

AMENDMENTS TO LB983

Introduced by Transportation and Telecommunications

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 29-3608, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 29-3608 Any driver holding a commercial driver's license
6 or CLP-commercial learner's permit issued pursuant to sections
7 60-462.01 and 60-4,138 to 60-4,172 the Motor Vehicle Operator's
8 License Act shall not be eligible to participate in a program
9 under sections 29-3605 to 29-3609 if such participation would be in
10 noncompliance with federal law or regulation and subject the state
11 to possible loss of federal funds.

12 Sec. 2. Section 60-462, Revised Statutes Supplement,
13 2013, is amended to read:

14 60-462 Sections 60-462 to 60-4,189 and sections 7, 29,
15 30, and 37 of this act shall be known and may be cited as the Motor
16 Vehicle Operator's License Act.

17 Sec. 3. Section 60-462.01, Revised Statutes Supplement,
18 2013, is amended to read:

19 60-462.01 For purposes of the Motor Vehicle Operator's
20 License Act, the following federal regulations are adopted as
21 Nebraska law as they existed on January 1, 2013+ 2014:

22 The parts, subparts, and sections of Title 49 of the
23 Code of Federal Regulations, as referenced in the Motor Vehicle

1 Operator's License Act.

2 Sec. 4. Section 60-463, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-463 For purposes of the Motor Vehicle Operator's
5 License Act, the definitions found in sections 60-463.01 to 60-478
6 and section 7 of this act shall be used.

7 Sec. 5. Section 60-464, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-464 Commercial driver's license shall mean an
10 operator's license issued in accordance with the requirements of
11 the Motor Vehicle Operator's License Act to an individual which
12 authorizes such individual to ~~drive~~ operate a class of commercial
13 motor vehicle.

14 Sec. 6. Section 60-465, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-465 (1) Commercial motor vehicle means a motor vehicle
17 or combination of motor vehicles used in commerce to transport
18 passengers or property if the motor vehicle:

19 (a) Has a gross combination weight rating of eleven
20 thousand seven hundred ninety-four kilograms or more (twenty-six
21 thousand one pounds or more) inclusive of a towed unit with a
22 gross vehicle weight rating of more than four thousand five hundred
23 thirty-six kilograms (ten thousand pounds);

24 (b) Has a gross vehicle weight rating of eleven thousand
25 seven hundred ninety-four or more kilograms (twenty-six thousand
26 one pounds or more);

27 (c) Is designed to transport sixteen or more passengers,

1 including the driver; or

2 (d) Is of any size and is used in the transportation of
3 materials found to be hazardous for the purposes of the federal
4 Hazardous Materials Transportation Act and which require the motor
5 vehicle to be placarded under 49 C.F.R. part 172, subpart F.

6 (2) Commercial motor vehicle does not include:

7 (a) a A covered farm vehicle; ~~other than a combination~~
8 ~~of truck-tractors and semitrailers,~~ which is ~~(i)~~ controlled and
9 operated by a farmer, ~~including operation by employees or family~~
10 ~~members of the farmer,~~ ~~(ii)~~ used to transport either agricultural
11 ~~products,~~ farm machinery, farm supplies, or both, to or from a farm
12 or ranch, ~~(iii)~~ not used in the operations of a common or contract
13 motor carrier, and ~~(iv)~~ used within one hundred fifty miles of the
14 ~~farmer's farm or ranch.~~

15 (b) any Any recreational vehicle as defined in section
16 60-347 or motor vehicle towing a cabin trailer as defined in
17 sections 60-314 and 60-339;~~i~~

18 (c) any Any emergency vehicle necessary to the
19 preservation of life or property or the execution of emergency
20 governmental functions which is equipped with audible and visual
21 signals and operated by a public or volunteer fire department; ~~i~~ or

22 (d) any Any motor vehicle owned or operated by the
23 United States Department of Defense or Nebraska National Guard
24 when such motor vehicle is driven by persons identified in section
25 60-4,131.01.

26 Sec. 7. (1) Covered farm vehicle means a motor vehicle,
27 including an articulated motor vehicle:

1 (a) That:
2 (i) Is traveling in the state in which the vehicle is
3 registered or another state;
4 (ii) Is operated by:
5 (A) A farm owner or operator;
6 (B) A ranch owner or operator; or
7 (C) An employee or family member of an individual
8 specified in subdivision (1) (a) (ii) (A) or (1) (a) (ii) (B) of this
9 section;
10 (iii) Is transporting to or from a farm or ranch:
11 (A) Agricultural commodities;
12 (B) Livestock; or
13 (C) Machinery or supplies;
14 (iv) Except as provided in subsection (2) of this
15 section, is not used in the operations of a for-hire motor
16 carrier; and
17 (v) Is equipped with a special license plate or other
18 designation by the state in which the vehicle is registered to
19 allow for identification of the vehicle as a farm vehicle by law
20 enforcement personnel; and
21 (b) That has a gross vehicle weight rating or gross
22 vehicle weight, whichever is greater, that is:
23 (i) Less than twenty-six thousand one pounds; or
24 (ii) Twenty-six thousand one pounds or more and is
25 traveling within the state or within one hundred fifty air miles
26 of the farm or ranch with respect to which the vehicle is being
27 operated.

1 (2) Covered farm vehicle includes a motor vehicle that
2 meets the requirements of subsection (1) of this section, except
3 for subdivision (1)(a)(iv) of this section, and:

4 (a) Is operated pursuant to a crop share farm lease
5 agreement;

6 (b) Is owned by a tenant with respect to that agreement;
7 and

8 (c) Is transporting the landlord's portion of the crops
9 under that agreement.

10 (3) Covered farm vehicle does not include:

11 (a) A combination of truck-tractor and semitrailer which
12 is operated by a person under eighteen years of age; or

13 (b) A combination of truck-tractor and semitrailer which
14 is used in the transportation of materials found to be hazardous
15 for the purposes of the federal Hazardous Materials Transportation
16 Act and which require the combination to be placarded under 49
17 C.F.R. part 172, subpart F.

18 Sec. 8. Section 60-480, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-480 Operators' licenses issued by the ~~Department of~~
21 ~~Motor Vehicles~~ department pursuant to the Motor Vehicle Operator's
22 License Act shall be classified as follows:

23 (1) Class O license. The operator's license which
24 authorizes the person to whom it is issued to operate on highways
25 any motor vehicle except a commercial motor vehicle or motorcycle;

26 (2) Class M license. The operator's license or
27 endorsement on a Class O license, provisional operator's permit,

1 learner's permit, school permit, or commercial driver's license
2 which authorizes the person to whom it is issued to operate a
3 motorcycle on highways;

4 (3) CDL-commercial driver's license. The operator's
5 license which authorizes the person to whom it is issued to operate
6 a class of commercial motor ~~vehicles~~ vehicle or any motor vehicle,
7 except a motorcycle, on highways;

8 (4) CLP-commercial learner's permit. A permit which
9 when carried with a Class O license authorizes an individual to
10 operate a class of commercial motor vehicle when accompanied by
11 a holder of a valid commercial driver's license for purposes of
12 behind-the-wheel training. When issued to a commercial driver's
13 license holder, a CLP-commercial learner's permit serves as
14 authorization for accompanied behind-the-wheel training in a
15 commercial motor vehicle for which the holder's current commercial
16 driver's license is not valid;

17 ~~(4)~~ (5) RCDL-restricted commercial driver's license. The
18 class of commercial driver's license which, when held with an
19 annual seasonal permit, authorizes a seasonal commercial motor
20 vehicle operator as defined in section 60-4,146.01 to operate any
21 Class B Heavy Straight Vehicle or Class C Small Vehicle commercial
22 motor vehicle for purposes of a farm-related or ranch-related
23 service industry as defined in such section within one hundred
24 fifty miles of the employer's place of business or the farm or
25 ranch currently being served as provided in such section or any
26 other motor vehicle, except a motorcycle, on highways;

27 ~~(5)~~ (6) POP-provisional operator's permit. A motor

1 vehicle operating permit with restrictions issued pursuant to
2 section 60-4,120.01 to a person who is at least sixteen years of
3 age but less than eighteen years of age which authorizes the person
4 to operate any motor vehicle except a commercial motor vehicle or
5 motorcycle;

6 ~~(6)~~ (7) SCP-school permit. A permit issued to a student
7 between fourteen years and two months of age and sixteen years of
8 age for the purpose of driving in accordance with the requirements
9 of section 60-4,124;

10 ~~(7)~~ (8) FMP-farm permit. A permit issued to a person for
11 purposes of operating farm tractors and other motorized implements
12 of farm husbandry on highways in accordance with the requirements
13 of section 60-4,126;

14 ~~(8)~~ LPC-learner's permit. A permit which when held in
15 conjunction with a Class O license or commercial driver's license
16 authorizes a person to operate a commercial motor vehicle for
17 learning purposes when accompanied by a person who is at least
18 ~~twenty-one years of age;~~

19 (9) LPD-learner's permit. A permit issued in accordance
20 with the requirements of section 60-4,123 to a person at least
21 fifteen years of age which authorizes the person to operate a motor
22 vehicle, except a commercial motor vehicle, for learning purposes
23 when accompanied by a licensed operator who is at least twenty-one
24 years of age and who possesses a valid operator's license issued by
25 this state or another state;

26 (10) LPE-learner's permit. A permit issued to a person at
27 least fourteen years of age which authorizes the person to operate

1 a motor vehicle, except a commercial motor vehicle, while learning
2 to drive in preparation for application for a school permit;

3 (11) EDP-employment driving permit. A permit issued to
4 a person which authorizes the person to operate a motor vehicle,
5 except a commercial motor vehicle, pursuant to the requirements of
6 sections 60-4,129 and 60-4,130;

7 (12) IIP-ignition interlock permit. A permit issued to
8 a person which authorizes the person to operate a motor vehicle,
9 except a commercial motor vehicle, which is equipped with an
10 ignition interlock device;

11 (13) SEP-seasonal permit. A permit issued to a person
12 who holds a restricted commercial driver's license authorizing
13 the person to operate a commercial motor vehicle, as prescribed
14 by section 60-4,146.01, for no more than one hundred eighty
15 consecutive days in any twelve-month period. The seasonal permit
16 shall be valid and run from the date of original issuance of the
17 permit for one hundred eighty days and from the date of annual
18 revalidation of the permit; and

19 (14) MHP-medical hardship driving permit. A permit issued
20 to a person which authorizes the person to operate a motor vehicle,
21 except a commercial motor vehicle, pursuant to the requirements of
22 sections 60-4,130.01 and 60-4,130.02.

23 Sec. 9. Section 60-484, Revised Statutes Supplement,
24 2013, is amended to read:

25 60-484 (1)(a) This subsection applies until the
26 implementation date designated by the director on or before
27 January 1, 2014. Except as otherwise provided in the Motor Vehicle

1 ~~Operator's License Act, no resident of the State of Nebraska shall~~
2 ~~operate a motor vehicle upon the alleys or highways of this state~~
3 ~~until the person has obtained an operator's license for that~~
4 ~~purpose.~~

5 ~~(b) Application for an operator's license or a state~~
6 ~~identification card shall be made in a manner prescribed by the~~
7 ~~department. Such application may be made to department personnel in~~
8 ~~any county. Department personnel shall conduct the examination of~~
9 ~~the applicant and deliver to each successful applicant an issuance~~
10 ~~certificate containing the statements made pursuant to subdivision~~
11 ~~(c) of this subsection.~~

12 ~~(c) The applicant (i) shall provide his or her full legal~~
13 ~~name, date of birth, mailing address, gender, race or ethnicity,~~
14 ~~and social security number, two forms of proof of address of~~
15 ~~his or her principal residence unless the applicant is a program~~
16 ~~participant under the Address Confidentiality Act, evidence of~~
17 ~~identity as required by subdivision (1)(f) of this subsection,~~
18 ~~and a brief physical description of himself or herself, (ii)~~
19 ~~may complete the voter registration portion pursuant to section~~
20 ~~32-308, (iii) shall be provided the advisement language required~~
21 ~~by subsection (5) of section 60-6,197, (iv) shall answer the~~
22 ~~following:~~

23 ~~(A) Have you within the last three months (e.g. due~~
24 ~~to diabetes, epilepsy, mental illness, head injury, stroke, heart~~
25 ~~condition, neurological disease, etc.):~~

26 ~~(I) lost voluntary control or consciousness ... yes ...~~
27 ~~no~~

1 (II) experienced vertigo or multiple episodes of
2 dizziness or fainting ... yes ... no

3 (III) experienced disorientation ... yes ... no

4 (IV) experienced seizures ... yes ... no

5 (V) experienced impairment of memory, memory loss ... yes
6 ... no

7 Please explain:

8 (B) Do you experience any condition which affects your
9 ability to operate a motor vehicle? (e.g. due to loss of, or
10 impairment of, foot, leg, hand, arm, neurological or neuromuscular
11 disease, etc.) ... yes ... no

12 Please explain:

13 (C) Since the issuance of your last driver's
14 license/permit, has your health or medical condition changed or
15 worsened? ... yes ... no

16 Please explain, including how the above affects your
17 ability to drive:, and (v) may answer the
18 following:

19 (A) Do you wish to register to vote as part of this
20 application process?

21 (B) Do you wish to have the word "veteran" displayed on
22 the front of your operator's license or state identification card
23 to show that you served in the armed forces of the United States?
24 (To be eligible you must register with the Nebraska Department of
25 Veterans' Affairs registry.)

26 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
27 FOLLOWING QUESTIONS:

1 ~~(C) Do you wish to be an organ and tissue donor?~~

2 ~~(D) Do you wish to receive any additional specific~~
3 ~~information regarding organ and tissue donation and the Donor~~
4 ~~Registry of Nebraska?~~

5 ~~(E) Do you wish to donate \$1 to promote the Organ and~~
6 ~~Tissue Donor Awareness and Education Fund?~~

7 ~~(d) Application for an operator's license or state~~
8 ~~identification card shall include a signed oath, affirmation,~~
9 ~~or declaration of the applicant that the information provided on~~
10 ~~the application for the license or card is true and correct.~~

11 ~~(e) The social security number shall not be printed on~~
12 ~~the operator's license or state identification card and shall be~~
13 ~~used only (i) to furnish information to the United States Selective~~
14 ~~Service System under section 60-483, (ii) with the permission of~~
15 ~~the director in connection with the verification of the status of~~
16 ~~an individual's driving record in this state or any other state,~~
17 ~~(iii) for purposes of child support enforcement pursuant to section~~
18 ~~42-358.08 or 43-512.06, (iv) to furnish information regarding an~~
19 ~~applicant for or holder of a commercial driver's license with~~
20 ~~a hazardous materials endorsement to the Transportation Security~~
21 ~~Administration of the United States Department of Homeland Security~~
22 ~~or its agent, or (v) to furnish information to the Department of~~
23 ~~Revenue under section 77-362.02.~~

24 ~~(f)(i) Each individual applying for an operator's license~~
25 ~~or a state identification card shall furnish proof of date of~~
26 ~~birth and identity with documents containing a photograph or with~~
27 ~~nonphoto identity documents which include his or her full legal~~

1 name and date of birth. Such documents shall include, but not be
2 limited to, any valid Nebraska operator's license or Nebraska state
3 identification card, a valid operator's license or identification
4 card from another state or jurisdiction of the United States, a
5 certified birth certificate, a valid United States passport, or
6 any other United States-based identification as approved by the
7 director.

8 (ii) Any individual under the age of eighteen years
9 applying for an operator's license or a state identification card
10 shall provide a certified copy of his or her birth certificate
11 or, if such individual is unable to provide a certified copy of
12 his or her birth certificate, other reliable proof of his or her
13 identity and age, as required in subdivision (1)(f)(i) of this
14 section, accompanied by a certification signed by a parent or
15 guardian explaining the inability to produce a copy of such birth
16 certificate. The applicant also may be required to furnish proof
17 to department personnel that the parent or guardian signing the
18 certification is in fact the parent or guardian of such applicant.

19 (iii) An applicant may present other documents as proof
20 of identification and age designated by the director. Any documents
21 accepted shall be recorded according to a written exceptions
22 process established by the director.

23 (g) Any individual applying for an operator's license or
24 a state identification card who indicated his or her wish to have
25 the word "veteran" displayed on the front of such license or card
26 shall comply with section 60-4,189.

27 (2)(a) This subsection applies beginning on an

1 ~~implementation date designated by the director on or before January~~
2 ~~1, 2014.~~ (1) Except as otherwise provided in the Motor Vehicle
3 Operator's License Act, no resident of the State of Nebraska shall
4 operate a motor vehicle upon the alleys or highways of this state
5 until the person has obtained an operator's license for that
6 purpose.

7 ~~(b)~~ (2) Application for an operator's license or a state
8 identification card shall be made in a manner prescribed by the
9 department. Such application may be made to department personnel in
10 any county. Department personnel shall conduct the examination of
11 the applicant and deliver to each successful applicant an issuance
12 certificate containing the statements made pursuant to ~~subdivision~~
13 ~~(c) of this subsection.~~ subsection (3) of this section.

14 ~~(e)~~ (3) The applicant shall provide his or her full legal
15 name, date of birth, mailing address, gender, race or ethnicity,
16 and social security number, two forms of proof of address of
17 his or her principal residence unless the applicant is a program
18 participant under the Address Confidentiality Act, evidence of
19 identity as required by ~~subdivision (2)(f) of this subsection,~~
20 subsection (6) of this section, and a brief physical description
21 of himself or herself. The applicant ~~(i)~~ (a) may also complete
22 the voter registration portion pursuant to section 32-308, ~~(ii)~~ (b)
23 shall be provided the advisement language required by subsection
24 (5) of section 60-6,197, ~~(iii)~~ (c) shall answer the following:

25 ~~(A)~~ (i) Have you within the last three months (e.g. due
26 to diabetes, epilepsy, mental illness, head injury, stroke, heart
27 condition, neurological disease, etc.):

1 ~~(I)~~ (A) lost voluntary control or consciousness ... yes
2 ... no

3 ~~(II)~~ (B) experienced vertigo or multiple episodes of
4 dizziness or fainting ... yes ... no

5 ~~(III)~~ (C) experienced disorientation ... yes ... no

6 ~~(IV)~~ (D) experienced seizures ... yes ... no

7 ~~(V)~~ (E) experienced impairment of memory, memory loss ...
8 yes ... no

9 Please explain:

10 ~~(B)~~ (ii) Do you experience any condition which affects
11 your ability to operate a motor vehicle? (e.g. due to loss of, or
12 impairment of, foot, leg, hand, arm; neurological or neuromuscular
13 disease, etc.) ... yes ... no

14 Please explain:

15 ~~(C)~~ (iii) Since the issuance of your last driver's
16 license/permit, has your health or medical condition changed or
17 worsened? ... yes ... no

18 Please explain, including how the above affects your
19 ability to drive:, and ~~(iv)~~ (d) may answer the
20 following:

21 ~~(A)~~ (i) Do you wish to register to vote as part of this
22 application process?

23 ~~(B)~~ (ii) Do you wish to have the word "veteran" displayed
24 on the front of your operator's license or state identification
25 card to show that you served in the armed forces of the United
26 States? (To be eligible you must register with the Nebraska
27 Department of Veterans' Affairs registry.)

1 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
2 FOLLOWING QUESTIONS:

3 ~~(C)~~ (iii) Do you wish to be an organ and tissue donor?

4 ~~(D)~~ (iv) Do you wish to receive any additional specific
5 information regarding organ and tissue donation and the Donor
6 Registry of Nebraska?

7 ~~(E)~~ (v) Do you wish to donate \$1 to promote the Organ and
8 Tissue Donor Awareness and Education Fund?

9 ~~(d)~~ (4) Application for an operator's license or state
10 identification card shall include a signed oath, affirmation, or
11 declaration of the applicant that the information provided on the
12 application for the license or card is true and correct.

13 ~~(e)~~ (5) The social security number shall not be printed
14 on the operator's license or state identification card and shall
15 be used only ~~(i)~~ (a) to furnish information to the United States
16 Selective Service System under section 60-483, ~~(ii)~~ (b) with the
17 permission of the director in connection with the verification
18 of the status of an individual's driving record in this state
19 or any other state, ~~(iii)~~ (c) for purposes of child support
20 enforcement pursuant to section 42-358.08 or 43-512.06, ~~(iv)~~ (d)
21 to furnish information regarding an applicant for or holder of a
22 commercial driver's license with a hazardous materials endorsement
23 to the Transportation Security Administration of the United States
24 Department of Homeland Security or its agent, or ~~(v)~~ (e) to furnish
25 information to the Department of Revenue under section 77-362.02.

26 ~~(f)~~ ~~(i)~~ (6) (a) Each individual applying for an operator's
27 license or a state identification card shall furnish proof of date

1 of birth and identity with documents containing a photograph or
2 with nonphoto identity documents which include his or her full
3 legal name and date of birth. Such documents shall be those
4 provided in subsection ~~(2)~~ (1) of section 60-484.04.

5 ~~(ii)~~ (b) Any individual under the age of eighteen years
6 applying for an operator's license or a state identification card
7 shall provide a certified copy of his or her birth certificate
8 or, if such individual is unable to provide a certified copy of
9 his or her birth certificate, other reliable proof of his or her
10 identity and age, as required in subdivision ~~(2)(f)(i)~~ (6)(a) of
11 this section, accompanied by a certification signed by a parent or
12 guardian explaining the inability to produce a copy of such birth
13 certificate. The applicant also may be required to furnish proof
14 to department personnel that the parent or guardian signing the
15 certification is in fact the parent or guardian of such applicant.

16 ~~(iii)~~ (c) An applicant may present other documents as
17 proof of identification and age designated by the director.
18 Any documents accepted shall be recorded according to a written
19 exceptions process established by the director.

20 ~~(g)~~ (7) Any individual applying for an operator's license
21 or a state identification card who indicated his or her wish to
22 have the word "veteran" displayed on the front of such license or
23 card shall comply with section 60-4,189.

24 ~~(h)~~ (8) No person shall be a holder of an operator's
25 license and a state identification card at the same time.

26 Sec. 10. Section 60-484.03, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

1 60-484.03 This section applies beginning on an
2 ~~implementation date designated by the director on or before January~~
3 ~~17, 2014.~~ The department shall retain copies of source documents
4 presented by all individuals applying for or holding operators'
5 licenses or state identification cards. Copies retained by the
6 department shall be held in secured storage and managed to meet the
7 requirements of the Uniform Motor Vehicle Records Disclosure Act
8 and sections 60-484, and 60-484.02, and 60-4,144.

9 Sec. 11. Section 60-484.04, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 60-484.04 ~~(1)~~ This section applies beginning on an
12 ~~implementation date designated by the director on or before January~~
13 ~~17, 2014.~~

14 ~~(2)~~ Before (1) Except as provided in section 60-4,144
15 with respect to operators of commercial motor vehicles, before
16 being issued any other type of operator's license or a state
17 identification card under the Motor Vehicle Operator's License
18 Act, the department shall require an applicant to present valid
19 documentary evidence that he or she has lawful status in the United
20 States. Lawful status may be shown by:

21 (a) A valid, unexpired United States passport;

22 (b) A certified copy of a birth certificate filed with
23 a state office of vital statistics or equivalent agency in the
24 individual's state of birth;

25 (c) A Consular Report of Birth Abroad (CRBA) issued by
26 the United States Department of State, Form FS-240, DS-1350, or
27 FS-545;

1 (d) A valid, unexpired Permanent Resident Card (Form
2 I-551) issued by the United States Department of Homeland Security
3 or Bureau of United States Citizenship and Immigration Services;

4 (e) An unexpired employment authorization document (EAD)
5 issued by the United States Department of Homeland Security, Form
6 I-766 or Form I-688B;

7 (f) An unexpired foreign passport with a valid, unexpired
8 United States visa affixed accompanied by the approved I-94 form
9 documenting the applicant's most recent admittance into the United
10 States;

11 (g) A Certificate of Naturalization issued by the United
12 States Department of Homeland Security, Form N-550 or Form N-570;

13 (h) A Certificate of Citizenship, Form N-560 or Form
14 N-561, issued by the United States Department of Homeland Security;

15 (i) A driver's license or identification card issued in
16 compliance with the standards established by the REAL ID Act of
17 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or

18 (j) Such other documents as the director may approve.

19 ~~(3)(a)~~ (2)(a) If an applicant presents one of the
20 documents listed under subdivision ~~(2)(a)~~, (1)(a), (b), (c), (d),
21 (g), or (h) of this section, the verification of the applicant's
22 identity in the manner prescribed in section 60-484 will also
23 provide satisfactory evidence of lawful status.

24 (b) If the applicant presents one of the identity
25 documents listed under subdivision ~~(2)(e)~~, (1)(e), (f), or (i)
26 of this section, the verification of the identity documents does
27 not provide satisfactory evidence of lawful status. The applicant

1 must also present a second document from subsection ~~(2)~~ (1) of this
2 section or documentation issued by the United States Department of
3 Homeland Security or other federal agencies demonstrating lawful
4 status as determined by the Bureau of United States Citizenship and
5 Immigration Services.

6 ~~(4)~~ (3) An applicant may present other documents as
7 designated by the director as proof of lawful status. Any documents
8 accepted shall be recorded according to a written exceptions
9 process established by the director.

10 Sec. 12. Section 60-484.05, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 60-484.05 (1) The department shall only issue an
13 operator's license or a state identification card that is temporary
14 to any applicant who presents documentation under ~~section~~ sections
15 60-484 and ~~subsection (2)~~ of ~~section~~ 60-484.04 that shows his
16 or her ~~lawful presenece~~ authorized stay in the United States is
17 temporary. An operator's license or a state identification card
18 that is temporary shall be valid only during the period of time of
19 the applicant's authorized stay in the United States or, if there
20 is no definite end to the period of authorized stay, a period of
21 one year.

22 (2) An operator's license or state identification card
23 that is temporary shall clearly indicate that it is temporary with
24 a special notation on the front of the license or card and shall
25 state the date on which it expires.

26 (3) An operator's license or state identification card
27 that is temporary may be renewed only upon presentation of

1 valid documentary evidence that the status by which the applicant
2 qualified for the operator's license or state identification card
3 that is temporary has been extended by the United States Department
4 of Homeland Security.

5 Sec. 13. Section 60-484.06, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 60-484.06 ~~This section applies beginning on an~~
8 ~~implementation date designated by the director on or before~~
9 ~~January 1, 2014.~~ Before issuing any operator's license or state
10 identification card under the Motor Vehicle Operator's License
11 Act, the department may verify, with the issuing agency, the
12 issuance, validity, and completeness of each document required
13 to be presented by a person pursuant to sections 60-484, and
14 60-484.04, and 60-4,144.

15 Sec. 14. Section 60-487, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 60-487 (1)(a) This subsection applies until July 8, 2015.
18 If any magistrate or judge finds in his or her judgment of
19 conviction that the application or issuance certificate pursuant to
20 which the director has issued an operator's license under the Motor
21 Vehicle Operator's License Act contains any false or fraudulent
22 statement deliberately and knowingly made to any officer as to any
23 matter material to the issuance of such license or does not contain
24 required or correct information or that the person to whom the
25 license was issued was not eligible to receive such license, then
26 the license shall be absolutely void from the date of issue and
27 such motor vehicle operator shall be deemed to be not licensed to

1 operate a motor vehicle. Such license shall be at once canceled of
2 record in his or her office by the director upon receipt of a copy
3 of such judgment of conviction. The director may, upon his or her
4 own motion, summarily cancel any license for any of the reasons
5 set forth in this section if such reason or reasons affirmatively
6 appear on his or her official records.

7 (b) If the director determines, in a check of an
8 applicant's license status and record prior to issuing a commercial
9 driver's license or LPC-learner's permit, or at any time after the
10 commercial driver's license or LPC-learner's permit is issued, that
11 the applicant falsified information contained in the application or
12 in the medical examiner's certificate, the director may summarily
13 cancel the person's commercial driver's license or LPC-learner's
14 permit or his or her pending application as provided in subdivision
15 (1) (a) of this section and disqualify the person from operating a
16 commercial motor vehicle for sixty days.

17 ~~(1)~~ (2) (a) This subsection applies beginning July 8,
18 2015. If any magistrate or judge finds in his or her judgment of
19 conviction that the application or issuance certificate pursuant to
20 which the director has issued an operator's license under the Motor
21 Vehicle Operator's License Act contains any false or fraudulent
22 statement deliberately and knowingly made to any officer as to any
23 matter material to the issuance of such license or does not contain
24 required or correct information or that the person to whom the
25 license was issued was not eligible to receive such license, then
26 the license shall be absolutely void from the date of issue and
27 such motor vehicle operator shall be deemed to be not licensed to

1 operate a motor vehicle. Such license shall be at once canceled of
2 record in his or her office by the director upon receipt of a copy
3 of such judgment of conviction. The director may, upon his or her
4 own motion, summarily cancel any license for any of the reasons
5 set forth in this section if such reason or reasons affirmatively
6 appear on his or her official records.

7 ~~(2)~~ (b) If the director determines, in a check of
8 an applicant's license status and record prior to issuing a
9 CLP-commercial learner's permit or commercial driver's license,
10 or at any time after the CLP-commercial learner's permit or
11 commercial driver's license is issued, that the applicant falsified
12 information contained in the application or in the medical
13 examiner's certificate, the director may summarily cancel the
14 person's CLP-commercial learner's permit or commercial driver's
15 license or his or her pending application as provided in ~~subsection~~
16 ~~(1)~~ subdivision (2)(a) of this section and disqualify the person
17 from operating a commercial motor vehicle for sixty days.

18 Sec. 15. Section 60-4,112, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 60-4,112 Sections ~~60-4,114,~~ 60-4,114.01, ~~60-4,116,~~ and
21 ~~60-4,118~~ 60-4,118.01 to 60-4,130.05 shall apply to the operation of
22 any motor vehicle except a commercial motor vehicle.

23 Sec. 16. Section 60-4,115, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 60-4,115 (1) Fees for operators' licenses and state
26 identification cards shall be collected and distributed according
27 to the table in subsection (2) of this section, except for the

1 ignition interlock permit and associated fees as outlined in
2 subsection (4) of this section. County officials shall remit the
3 county portion of the fees collected to the county treasurer for
4 placement in the county general fund. All other fees collected
5 shall be remitted to the State Treasurer for credit to the
6 appropriate fund.

7 (2) The fees provided in this subsection in the
8 following dollar amounts apply for operators' licenses and state
9 identification cards.

	Department			
	County	of Motor	State	
Document	Total	General	Vehicles	General
	Fee	Fund	Cash Fund	Fund
14 State identification card:				
15 Valid for 1 year or less	5.00	2.75	1.25	1.00
16 Valid for more than 1 year				
17 but not more than 2 years	10.00	2.75	4.00	3.25
18 Valid for more than 2 years				
19 but not more than 3 years	14.00	2.75	5.25	6.00
20 Valid for more than 3 years				
21 but not more than 4 years	19.00	2.75	8.00	8.25
22 Valid for more than 4 years				
23 for person under 21	24.00	2.75	10.25	11.00
24 Valid for 5 years	24.00	3.50	10.25	10.25
25 Duplicate or replacement	11.00	2.75	6.00	2.25
26 Class O or M operator's license:				
27 Valid for 1 year or less	5.00	2.75	1.25	1.00
28 Valid for more than 1 year				
29 but not more than 2 years	10.00	2.75	4.00	3.25

1	Valid for more than 2 years				
2	but not more than 3 years	14.00	2.75	5.25	6.00
3	Valid for more than 3 years				
4	but not more than 4 years	19.00	2.75	8.00	8.25
5	Valid for 5 years	24.00	3.50	10.25	10.25
6	Bioptic or telescopic lens restriction:				
7	Valid for 1 year or less	5.00	0	5.00	0
8	Valid for more than 1 year				
9	but not more than 2 years	10.00	2.75	4.00	3.25
10	Duplicate or replacement	11.00	2.75	6.00	2.25
11	Add, change, or remove class,				
12	endorsement, or restriction	5.00	0	5.00	0
13	Provisional operator's permit:				
14	Original	15.00	2.75	12.25	0
15	Bioptic or telescopic lens restriction:				
16	Valid for 1 year or less	5.00	0	5.00	0
17	Valid for more than 1 year				
18	but not more than 2 years	15.00	2.75	12.25	0
19	Duplicate or replacement	11.00	2.75	6.00	2.25
20	Add, change, or remove class,				
21	endorsement, or restriction	5.00	0	5.00	0
22	LPD-learner's permit:				
23	Original	8.00	.25	5.00	2.75
24	Duplicate or replacement	11.00	2.75	6.00	2.25
25	Add, change, or remove class,				
26	endorsement, or restriction	5.00	0	5.00	0
27	LPE-learner's permit:				
28	Original	8.00	.25	5.00	2.75
29	Duplicate or replacement	11.00	2.75	6.00	2.25
30	Add, change, or remove class,				
31	endorsement, or restriction	5.00	0	5.00	0

1	School permit:				
2	Original	8.00	.25	5.00	2.75
3	Duplicate or replacement	11.00	2.75	6.00	2.25
4	Add, change, or remove class,				
5	endorsement, or restriction	5.00	0	5.00	0
6	Farm permit:				
7	Original or renewal	5.00	.25	0	4.75
8	Duplicate or replacement	5.00	.25	0	4.75
9	Temporary	5.00	.25	0	4.75
10	Add, change, or remove class,				
11	endorsement, or restriction	5.00	0	5.00	0
12	Driving permits:				
13	Employment	45.00	0	5.00	40.00
14	Medical hardship	45.00	0	5.00	40.00
15	Duplicate or replacement	10.00	.25	5.00	4.75
16	Add, change, or remove class,				
17	endorsement, or restriction	5.00	0	5.00	0
18	Commercial driver's license:				
19	Valid for 1 year or less	11.00	1.75	5.00	4.25
20	Valid for more than 1 year				
21	but not more than 2 years	22.00	1.75	5.00	15.25
22	Valid for more than 2 years				
23	but not more than 3 years	33.00	1.75	5.00	26.25
24	Valid for more than 3 years				
25	but not more than 4 years	44.00	1.75	5.00	37.25
26	Valid for 5 years	55.00	1.75	5.00	48.25
27	Bioptic or telescopic lens restriction:				
28	Valid for one year or less	11.00	1.75	5.00	4.25
29	Valid for more than 1 year				
30	but not more than 2 years	22.00	1.75	5.00	15.25
31	Duplicate or replacement	11.00	2.75	6.00	2.25

1	Add, change, or remove class,				
2	endorsement, or restriction	10.00	1.75	5.00	3.25
3	LPC-learner's permit:				
4	<u>CLP-commercial learner's permit:</u>				
5	Original or renewal	10.00	.25	5.00	4.75
6	Duplicate or replacement	10.00	.25	5.00	4.75
7	Add, change, or remove class,				
8	endorsement, or restriction	10.00	.25	5.00	4.75
9	Seasonal permit:				
10	Original or renewal	10.00	.25	5.00	4.75
11	Duplicate or replacement	10.00	.25	5.00	4.75
12	Add, change, or remove class,				
13	endorsement, or restriction	10.00	.25	5.00	4.75
14	School bus permit:				
15	Original or renewal	5.00	0	5.00	0
16	Duplicate or replacement	5.00	0	5.00	0
17	Add, change, or remove class,				
18	endorsement, or restriction	5.00	0	5.00	0

19 (3) If the department issues an operator's license or a
20 state identification card, the department shall remit the county
21 portion of the fees to the State Treasurer for credit to the
22 Department of Motor Vehicles Cash Fund.

23 (4) (a) The fee for an ignition interlock permit shall be
24 forty-five dollars. Five dollars of the fee shall be remitted to
25 the State Treasurer for credit to the Department of Motor Vehicles
26 Cash Fund. Forty dollars of the fee shall be remitted to the State
27 Treasurer for credit to the Department of Motor Vehicles Ignition
28 Interlock Fund.

29 (b) The fee for a duplicate or replacement ignition

1 interlock permit shall be eleven dollars. Two dollars and
2 seventy-five cents of the fee shall be remitted to the county
3 treasurer for credit to the county general fund. Six dollars of
4 the fee shall be remitted to the State Treasurer for credit to the
5 Department of Motor Vehicles Cash Fund. Two dollars and twenty-five
6 cents of the fee shall be remitted to the State Treasurer for
7 credit to the General Fund.

8 (c) The fee for adding, changing, or removing a class,
9 endorsement, or restriction on an ignition interlock permit shall
10 be five dollars. The fee shall be remitted to the State Treasurer
11 for credit to the Department of Motor Vehicles Cash Fund.

12 (5) The department and its agents may collect an identity
13 security surcharge to cover the cost of security and technology
14 practices used to protect the identity of applicants for and
15 holders of operators' licenses and state identification cards and
16 to reduce identity theft, fraud, and forgery and counterfeiting
17 of such licenses and cards to the maximum extent possible. The
18 surcharge shall be in addition to all other required fees for
19 operators' licenses and state identification cards. The amount of
20 the surcharge shall be determined by the department. The surcharge
21 shall not exceed eight dollars. The surcharge shall be remitted to
22 the State Treasurer for credit to the Department of Motor Vehicles
23 Cash Fund.

24 Sec. 17. Section 60-4,116, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 60-4,116 Prior to the issuance of any original or renewal
27 operator's license, the issuance of a replacement or duplicate

1 operator's license, or the reissuance of any such license with
2 a change of any classification, endorsement, or restriction, the
3 department shall:

4 (1) Check the driving record of the applicant as
5 maintained by the department or by any other state which has
6 issued an operator's license to the applicant;

7 (2) Contact the Commercial Driver License Information
8 System to determine whether the applicant possesses any valid
9 commercial learner's permit or commercial driver's license issued
10 by any other state, whether such license or the applicant's
11 privilege to operate a commercial motor vehicle has been
12 suspended, revoked, or canceled, or whether the applicant has been
13 disqualified from operating a commercial motor vehicle; and

14 (3) Contact the National Driver Register to determine if
15 the applicant (a) has been disqualified from operating any motor
16 vehicle, (b) has had an operator's license suspended, revoked, or
17 canceled, (c) is not eligible, or (d) is deceased.

18 Sec. 18. Section 60-4,118.05, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-4,118.05 (1) No operator's license referred to in
21 section 60-4,118 shall, under any circumstances, be issued to any
22 person who has not attained the age of seventeen years.

23 (2) No operator's license shall be issued to a person
24 under eighteen years of age applying for an operator's license
25 under section 60-4,118 unless such person:

26 (a) Has possessed a valid provisional operator's permit
27 for at least a twelve-month period beginning on the date of

1 issuance of such person's provisional operator's permit; and

2 (b) Has not accumulated three or more points pursuant
3 to section 60-4,182 during the twelve-month period immediately
4 preceding the date of the application for the operator's license.

5 (3) The department may waive the written examination
6 and the driving test required under section 60-4,118 for any
7 person seventeen to twenty-one years of age applying for his
8 or her initial operator's license if he or she has been issued
9 a provisional operator's permit. The department shall not waive
10 the written examination and the driving test required under
11 this section if the person is applying for a CLP-commercial
12 learner's permit or commercial driver's license ~~or permit~~ or if
13 the operator's license being applied for contains a class or
14 endorsement which is different from the class or endorsement of the
15 provisional operator's permit.

16 Sec. 19. Section 60-4,131, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 60-4,131 (1) Sections 60-462.01 and 60-4,132 to 60-4,172
19 and sections 29, 30, and 37 of this act shall apply to the
20 operation of any commercial motor vehicle.

21 (2) For purposes of such sections:

22 (a) Disqualification means:

23 (i) The suspension, revocation, cancellation, or any
24 other withdrawal by a state of a person's privilege to ~~drive~~
25 operate a commercial motor vehicle;

26 (ii) A determination by the Federal Motor Carrier Safety
27 Administration, under the rules of practice for motor carrier

1 safety contained in 49 C.F.R. part 386, that a person is no longer
2 qualified to operate a commercial motor vehicle under 49 C.F.R.
3 part 391; or

4 (iii) The loss of qualification which automatically
5 follows conviction of an offense listed in 49 C.F.R. 383.51;

6 (b) Downgrade means the state:

7 (i) Allows the driver of a commercial motor vehicle to
8 change his or her self-certification to interstate, but operating
9 exclusively in transportation or operation excepted from 49 C.F.R.
10 part 391, as provided in 49 C.F.R. 390.3(f), 391.2, 391.68, or
11 398.3;

12 (ii) Allows the driver of a commercial motor vehicle
13 to change his or her self-certification to intrastate only,
14 if the driver qualifies under a state's physical qualification
15 requirements for intrastate only;

16 (iii) Allows the driver of a commercial motor vehicle
17 to change his or her certification to intrastate, but operating
18 exclusively in transportation or operations excepted from all or
19 part of a state driver qualification requirement; or

20 (iv) Removes the commercial driver's license privilege
21 from the operator's license;

22 (c) Employee means any operator of a commercial motor
23 vehicle, including full time, regularly employed drivers; casual,
24 intermittent, or occasional drivers; and leased drivers and
25 independent, owner-operator contractors, while in the course of
26 operating a commercial motor vehicle, who are either directly
27 employed by or under lease to an employer;

1 (d) Employer means any person, including the United
2 States, a state, the District of Columbia, or a political
3 subdivision of a state, that owns or leases a commercial motor
4 vehicle or assigns employees to operate a commercial motor vehicle;

5 (e) Endorsement means an authorization to an individual's
6 CLP-commercial learner's permit or commercial driver's license
7 required to permit the individual to operate certain types of
8 commercial motor vehicles;

9 (f) Foreign means outside the fifty United States and the
10 District of Columbia;

11 (g) Imminent hazard means the existence of a condition
12 relating to hazardous material that presents a substantial
13 likelihood that death, serious illness, severe personal injury, or
14 a substantial endangerment to health, property, or the environment
15 may occur before the reasonably foreseeable completion date of a
16 formal proceeding begun to lessen the risk of that death, illness,
17 injury, or endangerment;

18 (h) Issue and issuance means initial issuance, transfer,
19 renewal, or upgrade of a CLP-commercial learner's permit,
20 commercial driver's license, nondomiciled CLP-commercial learner's
21 permit, or nondomiciled commercial driver's license, as described
22 in 49 C.F.R. 383.73;

23 (i) Medical examiner means for medical examinations
24 conducted on and after May 21, 2014, an individual certified
25 by the Federal Motor Carrier Safety Administration and listed on
26 the National Registry of Certified Medical Examiners in accordance
27 with 49 C.F.R. part 390, subpart D;

1 ~~(f)~~ (j) Medical examiner's certificate means a form
2 meeting the requirements of 49 C.F.R. 391.43 issued by a medical
3 examiner in compliance with such regulation;

4 ~~(g)~~ (k) Medical variance means the Federal Motor Carrier
5 Safety Administration has provided a driver with either an
6 exemption letter permitting operation of a commercial motor vehicle
7 pursuant to 49 C.F.R. 381, subpart C, or 49 C.F.R. 391.64 or a
8 Skill Performance Evaluation Certificate permitting operation of a
9 commercial motor vehicle pursuant to 49 C.F.R. 391.49;

10 (l) Nondomiciled CLP-commercial learner's permit or
11 nondomiciled commercial driver's license means a CLP-commercial
12 learner's permit or commercial driver's license, respectively,
13 issued by this state or other jurisdiction under either of the
14 following two conditions:

15 (i) To an individual domiciled in a foreign country
16 meeting the requirements of 49 C.F.R. 383.23(b) (1); and

17 (ii) To an individual domiciled in another state meeting
18 the requirements of 49 C.F.R. 383.23(b) (2);

19 ~~(h)~~ (m) Representative vehicle means a motor vehicle
20 which represents the type of motor vehicle that a driver applicant
21 operates or expects to operate;

22 ~~(i)~~ (n) State means a state of the United States and the
23 District of Columbia;

24 ~~(j)~~ (o) State of domicile means that state where a person
25 has his or her true, fixed, and permanent home and principal
26 residence and to which he or she has the intention of returning
27 whenever he or she is absent;

1 ~~(*)~~ (p) Tank vehicle means any commercial motor vehicle
2 that is designed to transport any liquid or gaseous materials
3 within a tank or tanks that have an individual rated capacity
4 of more than one hundred nineteen gallons and an aggregate rated
5 capacity of one thousand gallons or more and that is are either
6 permanently or temporarily attached to the vehicle or the chassis.
7 Such vehicle includes, but is not limited to, a cargo tank and
8 a portable tank, as defined in 49 C.F.R. part 171. However, this
9 definition does not include a portable tank that has a rated
10 capacity under one thousand gallons. A commercial motor vehicle
11 transporting an empty storage container tank, not designed for
12 transportation, with a rated capacity of one thousand gallons or
13 more that is temporarily attached to a flatbed trailer is not
14 considered a tank vehicle;

15 (q) Third-party skills test examiner means a person
16 employed by a third-party tester who is authorized by this state to
17 administer the commercial driver's license skills tests specified
18 in 49 C.F.R. part 383, subparts G and H;

19 (r) Third-party tester means a person, including, but
20 not limited to, another state, a motor carrier, a private driver
21 training facility or other private institution, or a department,
22 agency, or instrumentality of a local government, authorized by
23 this state to employ skills test examiners to administer the
24 commercial driver's license skills tests specified in 49 C.F.R.
25 part 383, subparts G and H;

26 ~~(l)~~ (s) United States means the fifty states and the
27 District of Columbia; and

1 ~~(m)~~ (t) Vehicle group means a class or type of vehicle
2 with certain operating characteristics.

3 Sec. 20. Section 60-4,137, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 60-4,137 Any resident of this state operating a
6 commercial motor vehicle on the highways of this state shall
7 possess a valid commercial driver's license or ~~LPC-learner's a~~
8 valid CLP-commercial learner's permit issued pursuant to ~~sections~~
9 ~~60-462.01 and 60-4,138 to 60-4,172.~~ the Motor Vehicle Operator's
10 License Act.

11 Sec. 21. Section 60-4,138, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 60-4,138 (1) Commercial drivers' licenses and restricted
14 commercial drivers' licenses shall be issued by the department in
15 compliance with 49 C.F.R. parts 383 and 391, shall be classified
16 as provided in subsection (2) of this section, and shall bear such
17 endorsements and restrictions as are provided in subsections (3)
18 and (4) of this section.

19 (2) Commercial motor vehicle classifications for purposes
20 of commercial drivers' licenses shall be as follows:

21 (a) Class A Combination Vehicle - Any combination of
22 motor vehicles and towed vehicles with a gross vehicle weight
23 rating of more than twenty-six thousand pounds if the gross vehicle
24 weight rating of the vehicles being towed are in excess of ten
25 thousand pounds;

26 (b) Class B Heavy Straight Vehicle - Any single
27 commercial motor vehicle with a gross vehicle weight rating of

1 twenty-six thousand one pounds or more or any such commercial motor
2 vehicle towing a vehicle with a gross vehicle weight rating not
3 exceeding ten thousand pounds; and

4 (c) Class C Small Vehicle - Any single commercial motor
5 vehicle with a gross vehicle weight rating of less than twenty-six
6 thousand one pounds or any such commercial motor vehicle towing
7 a vehicle with a gross vehicle weight rating not exceeding ten
8 thousand pounds comprising:

9 (i) Motor vehicles designed to transport sixteen or more
10 passengers, including the driver; and

11 (ii) Motor vehicles used in the transportation of
12 hazardous materials and required to be placarded pursuant to
13 section 75-364.

14 (3) The endorsements to a commercial driver's license
15 shall be as follows:

16 (a) T - Double/triple trailers;

17 (b) P - Passenger;

18 (c) N - Tank vehicle;

19 (d) H - Hazardous materials;

20 (e) X - Combination tank vehicle and hazardous materials;

21 and

22 (f) S - School bus.

23 (4) The restrictions to a commercial driver's license
24 shall be as follows:

25 ~~(a) I - Operation of a commercial motor vehicle only in~~
26 ~~intrastate commerce due to an exemption from 49 C.F.R. part 391~~
27 ~~pursuant to subsection (4) of section 75-363;~~

1 (a) E - No manual transmission equipped commercial motor
2 vehicle;

3 (b) K - Operation of a commercial motor vehicle only in
4 intrastate commerce;

5 (c) L - Operation of only a commercial motor vehicle
6 which is not equipped with air brakes;

7 (d) M - Operation of a commercial motor vehicle which is
8 not a Class A bus;

9 (e) N - Operation of a commercial motor vehicle which is
10 not a Class A or Class B bus;

11 (f) O - ~~Operation of a commercial motor vehicle which is~~
12 ~~not a~~ No tractor-trailer combination, and commercial motor vehicle;

13 (g) V - Operation of a commercial motor vehicle for
14 drivers with medical variance documentation. The documentation
15 shall be required to be carried on the driver's person while
16 operating a commercial motor vehicle; and-

17 (h) Z - No full air brake equipped commercial motor
18 vehicle.

19 Sec. 22. Section 60-4,139, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 60-4,139 Any nonresident may operate a commercial motor
22 vehicle upon the highways of this state if (1) such nonresident
23 has in his or her immediate possession a valid commercial driver's
24 license or ~~LPC-learner's~~ a valid commercial learner's permit issued
25 by his or her state of residence or by a jurisdiction with
26 standards that are in accord with 49 C.F.R. parts 383 and 391, (2)
27 the license or permit is not suspended, revoked, or canceled, (3)

1 such nonresident is not disqualified from operating a commercial
2 motor vehicle, and (4) the commercial motor vehicle is not operated
3 in violation of any downgrade.

4 Sec. 23. Section 60-4,141, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-4,141 (1) Except as provided in subsections (2),
7 ~~and (3),~~ and (4) of this section, no person shall operate any
8 class of commercial motor vehicle upon the highways of this
9 state unless such person possesses a valid commercial driver's
10 license authorizing the operation of the class of commercial motor
11 vehicle being operated, except that (a) any person possessing a
12 valid commercial driver's license authorizing the operation of a
13 Class A commercial motor vehicle may lawfully operate any Class
14 B or C commercial motor vehicle and (b) any person possessing
15 a valid commercial driver's license authorizing the operation
16 of a Class B commercial motor vehicle may lawfully operate a
17 Class C commercial motor vehicle. No person shall operate upon
18 the highways of this state any commercial motor vehicle which
19 requires a specific endorsement unless such person possesses a
20 valid commercial driver's license with such endorsement. No person
21 possessing a restricted commercial driver's license shall operate
22 upon the highways of this state any commercial motor vehicle to
23 which such restriction is applicable.

24 ~~(2)~~ (2)(a) Any person holding an ~~LPC-learner's~~ a
25 CLP-commercial learner's permit may operate a commercial motor
26 vehicle for learning purposes upon the highways of this state if
27 accompanied by a person who is twenty-one years of age or older,

1 who holds a commercial driver's license valid for the class of
2 commercial motor vehicle being operated, and who occupies the
3 seat beside the person for the purpose of giving instruction in
4 the operation of the commercial motor vehicle. Any person holding
5 ~~an LPC-learner's~~ a CLP-commercial learner's permit may operate
6 a commercial motor vehicle upon the highways of this state for
7 purposes of taking a driving skills examination if accompanied by
8 ~~an examiner~~ licensing staff who is designated by the director under
9 section 60-4,149 or employed by a third-party tester certified
10 pursuant to section 60-4,158 and who occupies the seat beside
11 the person for the purpose of giving the examination. A person
12 holding ~~an LPC-learner's~~ a CLP-commercial learner's permit shall
13 not operate a commercial motor vehicle transporting hazardous
14 materials. A holder of a commercial learner's permit may operate
15 a Class A combination vehicle, Class B Heavy Straight Vehicle, or
16 Class C Small Vehicle, as appropriate.

17 (b) A CLP-commercial learner's permit shall only be
18 allowed to bear any of the following endorsements: (i) P -
19 Passenger; (ii) S - School bus; and (iii) N - Tank vehicle.

20 (c) A CLP-commercial learner's permit shall only be
21 allowed to bear any of the following restrictions: (i) K -
22 Operation of a commercial motor vehicle only in intrastate
23 commerce; (ii) L - Operation of only a commercial motor vehicle
24 which is not equipped with air brakes; (iii) V - Operation of
25 a commercial motor vehicle for drivers with medical variance
26 documentation; (iv) P - No passengers in commercial motor vehicle
27 bus; and (v) X - No cargo in commercial motor vehicle tank vehicle.

1 (3) ~~The provisions of subsection (1) of this section~~
2 ~~shall not apply to any nonresident until the state of residence~~
3 ~~of such nonresident begins the issuance of commercial drivers'~~
4 ~~licenses in conformance with the requirements of the Commercial~~
5 ~~Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., and~~
6 ~~the Motor Carrier Safety Improvement Act of 1999, 49 U.S.C. 31301~~
7 ~~et seq., and section 1012 of the federal Uniting and Strengthening~~
8 ~~America by Providing Appropriate Tools Required to Intercept and~~
9 ~~Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a,~~
10 ~~and such nonresident is required by his or her state of residence~~
11 ~~to possess a commercial driver's license to operate a commercial~~
12 ~~motor vehicle. Any nonresident Except for nonresident individuals~~
13 ~~who are enrolled and taking training in a driver training school~~
14 ~~in this state, any holder of a nonresident commercial learner's~~
15 ~~permit or nonresident commercial driver's license who is in this~~
16 ~~state for a period of thirty consecutive days or more shall~~
17 ~~apply for a Nebraska-issued CLP-commercial learner's permit or~~
18 ~~commercial driver's license and shall surrender to the Department~~
19 ~~of Motor Vehicles department any operator's license issued to such~~
20 ~~nonresident by any other state.~~

21 (4) Except for individuals who are enrolled and taking
22 training in a driver training school in this state, any holder
23 of a nondomiciled commercial learner's permit or nondomiciled
24 commercial driver's license issued by another state who is in
25 this state for a period of thirty consecutive days or more shall
26 apply for a Nebraska-issued CLP-commercial learner's permit or
27 commercial driver's license and shall surrender to the department

1 any operator's license issued to such individual by any other
2 state.

3 (5) An operator's license surrendered pursuant to this
4 section may be returned to the driver after the license has been
5 perforated with the word "VOID".

6 ~~(4)~~ (6) Any person who operates a commercial motor
7 vehicle upon the highways of this state in violation of this
8 section shall, upon conviction, be guilty of a Class III
9 misdemeanor.

10 Sec. 24. Section 60-4,142, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 60-4,142 Any resident or nondomiciled applicant may
13 obtain ~~an LPC-learner's~~ a CLP-commercial learner's permit from
14 the department by making application to ~~an examiner~~ licensing
15 staff of the department. An applicant shall present proof to ~~the~~
16 ~~examiner~~ licensing staff that he or she holds a valid Class O
17 license or commercial driver's license or a foreign nondomiciled
18 applicant shall successfully complete the requirements for the
19 Class O license before ~~an LPC-learner's~~ a CLP-commercial learner's
20 permit is issued. An applicant shall also successfully complete
21 the commercial driver's license general knowledge examination
22 under section 60-4,155 and examinations for all previously issued
23 endorsements as provided in 49 C.F.R. 383.25(a)(3) and 49 C.F.R.
24 383.153(b)(2)(vii). Upon application, the examination may be waived
25 if the applicant presents a Nebraska commercial driver's license
26 which is valid or has been expired for less than one year, presents
27 a valid commercial driver's license from another state, or is

1 renewing ~~an LPC-learner's~~ a CLP-commercial learner's permit. The
2 ~~LPC-learner's~~ CLP-commercial learner's permit shall be valid for
3 a period of ~~six months~~ one hundred eighty days and shall be
4 renewed only once within any two-year period. The ~~county treasurer~~
5 ~~shall charge~~ successful applicant shall pay the fee prescribed in
6 section 60-4,115 for the issuance or renewal of ~~an LPC-learner's~~ a
7 CLP-commercial learner's permit.

8 Sec. 25. Section 60-4,143, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 60-4,143 (1) No commercial driver's license or
11 ~~LPC-learner's~~ CLP-commercial learner's permit shall, under any
12 circumstances, be issued to any person who has not attained the
13 age of eighteen years.

14 (2) A commercial driver's license or ~~LPC-learner's~~
15 CLP-commercial learner's permit shall not be issued to any person
16 during the period the person is subject to a disqualification in
17 this or any other state, while the person's operator's license is
18 suspended, revoked, or canceled in this or any other state, or
19 when the Commercial Driver License Information System indicates
20 "not-certified".

21 (3) The department shall not issue any commercial
22 driver's license to any person unless the person applying for a
23 commercial driver's license first surrenders to the department all
24 operators' licenses issued to such person by this or any other
25 state. Any operator's license issued by another state which is
26 surrendered to the department shall be ~~returned to that state by~~
27 ~~the director for cancellation,~~ destroyed, and the director shall

1 send notice to the other state that the operator's license has been
2 surrendered.

3 Sec. 26. Section 60-4,144, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 60-4,144 (1) An applicant for issuance of any original or
6 renewal commercial driver's license or an applicant for a change
7 of class of commercial motor vehicle, endorsement, or restriction
8 shall demonstrate his or her knowledge and skills for operating
9 a commercial motor vehicle as prescribed in the Motor Vehicle
10 Operator's License Act. An applicant for a commercial driver's
11 license shall provide the information and documentation required by
12 this section and sections 60-484 and section 60-4,144.01. and also,
13 beginning on an implementation date designated by the director
14 on or before January 1, 2014, the information and documentation
15 required by section 60-484.04. Such information and documentation
16 shall include any additional information required by 49 C.F.R.
17 parts 383 and 391 and also include:

18 (a) Certification that the commercial motor vehicle
19 in which the applicant takes any driving skills examination is
20 representative of the class of commercial motor vehicle that the
21 applicant operates or expects to operate; and

22 (b) The names of all states where the applicant has been
23 licensed to operate any type of motor vehicle in the ten years
24 prior to the date of application.

25 (2) (a) Before being issued a CLP-commercial learner's
26 permit or commercial driver's license, the applicant shall provide
27 his or her (i) full legal name, (ii) date of birth, (iii) mailing

1 address, (iv) gender, (v) race or ethnicity, (vi) social security
2 number, (vii) two forms of proof of address of his or her principal
3 residence unless the applicant is a program participant under the
4 Address Confidentiality Act, except that a nondomiciled applicant
5 for a CLP-commercial learner's permit or nondomiciled commercial
6 driver's license holder does not have to provide proof of residence
7 in Nebraska, (viii) evidence of identity as required by this
8 section, and (ix) a brief physical description of himself or
9 herself.

10 (b) The applicant's social security number shall not
11 be printed on the CLP-commercial learner's permit or commercial
12 driver's license and shall be used only (i) to furnish information
13 to the United States Selective Service System under section 60-483,
14 (ii) with the permission of the director in connection with the
15 certification of the status of an individual's driving record in
16 this state or any other state, (iii) for purposes of child support
17 enforcement pursuant to section 42-358.08 or 43-512.06, (iv) to
18 furnish information regarding an applicant for or holder of a
19 commercial driver's license with a hazardous materials endorsement
20 to the Transportation Security Administration of the United States
21 Department of Homeland Security or its agent, or (v) to furnish
22 information to the Department of Revenue under section 77-362.02.

23 (c) No person shall be a holder of a CLP-commercial
24 learner's permit or commercial driver's license and a state
25 identification card at the same time.

26 (3) Before being issued a CLP-commercial learner's permit
27 or commercial driver's license, an applicant, except a nondomiciled

1 applicant shall provide proof that this state is his or her state
2 of residence. Acceptable proof of residence is a document with the
3 person's name and residential address within this state.

4 (4) (a) Before being issued a CLP-commercial learner's
5 permit or commercial driver's license, an applicant shall provide
6 proof of identity.

7 (b) The following are acceptable as proof of identity:

8 (i) A valid, unexpired United States passport;

9 (ii) A certified copy of a birth certificate filed with
10 a state office of vital statistics or equivalent agency in the
11 individual's state of birth;

12 (iii) A Consular Report of Birth Abroad issued by the
13 United States Department of State;

14 (iv) A valid, unexpired permanent resident card issued
15 by the United States Department of Homeland Security or Bureau of
16 United States Citizenship and Immigration Services;

17 (v) An unexpired employment authorization document issued
18 by the United States Department of Homeland Security;

19 (vi) An unexpired foreign passport with a valid,
20 unexpired United States visa affixed accompanied by the approved
21 form documenting the applicant's most recent admittance into the
22 United States;

23 (vii) A Certificate of Naturalization issued by the
24 United States Department of Homeland Security;

25 (viii) A Certificate of Citizenship issued by the United
26 States Department of Homeland Security;

27 (ix) A driver's license or identification card issued in

1 compliance with the standards established by the REAL ID Act of
2 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or

3 (x) Such other documents as the director may approve.

4 (c) If an applicant presents one of the documents listed
5 under subdivision (b) (i), (ii), (iii), (iv), (vii), or (viii) of
6 this subsection, the verification of the applicant's identity will
7 also provide satisfactory evidence of lawful status.

8 (d) If the applicant presents one of the identity
9 documents listed under subdivision (b) (v), (vi), or (ix) of this
10 subsection, the verification of the identity documents does not
11 provide satisfactory evidence of lawful status. The applicant must
12 also present a second document from subdivision (4) (b) of this
13 section, a document from subdivision (5) of this subsection, or
14 documentation issued by the United States Department of Homeland
15 Security or other federal agencies demonstrating lawful status
16 as determined by the Bureau of United States Citizenship and
17 Immigration Services.

18 (e) An applicant may present other documents as
19 designated by the director as proof of identity. Any documents
20 accepted shall be recorded according to a written exceptions
21 process established by the director.

22 (5) (a) Whenever a person is renewing, replacing,
23 upgrading, transferring, or applying as a nondomiciled individual
24 to this state for a CLP-commercial learner's permit or commercial
25 driver's license, the Department of Motor Vehicles shall verify the
26 citizenship in the United States of the person or the lawful status
27 in the United States of the person.

1 (b) The following are acceptable as proof of citizenship
2 or lawful status:

3 (i) A valid, unexpired United States passport;

4 (ii) A certified copy of a birth certificate filed with
5 a state office of vital statistics or equivalent agency in the
6 individual's state of birth, Puerto Rico, the Virgin Islands,
7 Guam, American Samoa, or the Commonwealth of the Northern Mariana
8 Islands;

9 (iii) A Consular Report of Birth Abroad issued by the
10 United States Department of State;

11 (iv) A Certificate of Naturalization issued by the United
12 States Department of Homeland Security;

13 (v) A Certificate of Citizenship issued by the United
14 States Department of Homeland Security; or

15 (vi) A valid, unexpired Permanent Resident Card issued
16 by the United States Department of Homeland Security or Bureau of
17 United States Citizenship and Immigration Services.

18 (6) An applicant may present other documents as
19 designated by the director as proof of lawful status. Any documents
20 accepted shall be recorded according to a written exceptions
21 process established by the director.

22 (7) (a) An applicant shall obtain a nondomiciled
23 CLP-commercial driver's license or nondomiciled CLP-commercial
24 learner's permit:

25 (i) If the applicant is domiciled in a foreign
26 jurisdiction and the Federal Motor Carrier Safety Administrator has
27 not determined that the commercial motor vehicle operator testing

1 and licensing standards of that jurisdiction meet the standards
2 contained in subparts G and H of 49 C.F.R. part 383; or

3 (ii) If the applicant is domiciled in a state that is
4 prohibited from issuing commercial learners' permits and commercial
5 drivers' licenses in accordance with 49 C.F.R. 384.405. Such person
6 is eligible to obtain a nondomiciled CLP-commercial learner's
7 permit or nondomiciled commercial driver's license from Nebraska
8 that complies with the testing and licensing standards contained in
9 subparts F, G, and H of 49 C.F.R. part 383.

10 (b) An applicant for a nondomiciled CLP-commercial
11 learner's permit and nondomiciled commercial driver's license must
12 do the following:

13 (i) Complete the requirements to obtain a CLP-commercial
14 learner's permit or a commercial driver's license under the Motor
15 Vehicle Operator's License Act, except that an applicant domiciled
16 in a foreign jurisdiction must provide an unexpired employment
17 authorization document issued by the United States Citizenship and
18 Immigration Services or an unexpired foreign passport accompanied
19 by an approved I-94 form documenting the applicant's most recent
20 admittance into the United States. No proof of domicile is
21 required;

22 (ii) After receipt of the nondomiciled CLP-commercial
23 learner's permit or nondomiciled commercial driver's license and,
24 for as long as the permit or license is valid, notify the
25 Department of Motor Vehicles of any adverse action taken by any
26 jurisdiction or governmental agency, foreign or domestic, against
27 his or her driving privileges. Such adverse actions include, but

1 are not limited to, license disqualification or disqualification
2 from operating a commercial motor vehicle for the convictions
3 described in 49 C.F.R. 383.51. Notifications must be made within
4 the time periods specified in 49 C.F.R. 383.33; and

5 (iii) Provide a mailing address. If the applicant is
6 applying for a foreign nondomiciled CLP-commercial learner's permit
7 or foreign nondomiciled commercial driver's licence, he or she
8 must provide a Nebraska mailing address and his or her employer's
9 mailing address.

10 (c) An applicant for a nondomiciled CLP-commercial
11 learner's permit or nondomiciled commercial driver's license is not
12 required to surrender his or her foreign license.

13 (8) Any person applying for a CLP-commercial learner's
14 permit or commercial driver's license may answer the following:

15 (a) Do you wish to register to vote as part of this
16 application process?

17 (b) Do you wish to have the word "veteran" displayed on
18 the front of your operator's license or state identification card
19 to show that you served in the armed forces of the United States?

20 (To be eligible you must register with the Nebraska Department of
21 Veterans' Affairs registry.)

22 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE
23 FOLLOWING QUESTIONS:

24 (c) Do you wish to be an organ and tissue donor?

25 (d) Do you wish to receive any additional specific
26 information regarding organ and tissue donation and the Donor
27 Registry of Nebraska?

1 (e) Do you wish to donate \$1 to promote the Organ and
2 Tissue Donor Awareness and Education Fund?

3 ~~(2) Any person applying for any commercial driver's~~
4 ~~license on or before December 31, 2011, must present the~~
5 ~~certification required pursuant to section 60-4,145 or 60-4,146.~~

6 ~~(3) (9) Any person applying for any a CLP-commercial~~
7 ~~learner's permit or commercial driver's license on or after January~~
8 ~~1, 2012, must make one of the certifications in section 60-4,144.01~~
9 ~~and any certification required under section 60-4,146 and must~~
10 ~~provide such certifications to the department Department of Motor~~
11 ~~Vehicles in order to be issued a CLP-commercial learner's permit or~~
12 ~~a commercial driver's license.~~

13 ~~(4) On or after January 1, 2012, but no later~~
14 ~~than January 30, 2014, every (10) Every person who holds any~~
15 ~~commercial driver's license must provide to the department medical~~
16 ~~certification as required by section 60-4,144.01. The department~~
17 ~~may provide notice and prescribe medical certification compliance~~
18 ~~requirements for all holders of commercial ~~driver's~~ drivers'~~
19 ~~licenses. Holders of commercial ~~driver's~~ drivers' licenses who~~
20 ~~fail to meet the prescribed medical certification compliance~~
21 ~~requirements may be subject to downgrade.~~

22 Sec. 27. Section 60-4,144.01, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 60-4,144.01 (1) This subsection applies until July 8,
25 2015. Certification shall be made as follows:

26 ~~(1) (a) A person must certify that he or she operates~~
27 ~~or expects to operate a commercial motor vehicle in interstate~~

1 commerce, is both subject to and meets the qualification
2 requirements under 49 C.F.R. part 391, and is required to obtain
3 a medical examiner's certificate by 49 C.F.R. 391.45. Beginning
4 May 21, 2014, the medical examination required in order to obtain
5 a medical examiner's certificate shall be conducted by a medical
6 examiner who is listed on the National Registry of Certified
7 Medical Examiners. Any nonexcepted holder of a commercial driver's
8 license ~~on or after January 1, 2012,~~ who certifies that he or she
9 will operate a commercial motor vehicle in nonexcepted, interstate
10 commerce must maintain a current medical examiner's certificate and
11 provide a copy of it to the department in order to maintain his or
12 her medical certification status;

13 ~~(2)~~ (b) A person must certify that he or she operates
14 or expects to operate a commercial motor vehicle in interstate
15 commerce, but engages exclusively in transportation or operations
16 excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from
17 all or part of the qualification requirements of 49 C.F.R. part
18 391, and is therefor not required to obtain a medical examiner's
19 certificate by 49 C.F.R. 391.45;

20 ~~(3)~~ (c) A person must certify that he or she operates a
21 commercial motor vehicle only in intrastate commerce and therefor
22 is subject to state driver qualification requirements as provided
23 in section 75-363; or

24 ~~(4)~~ (d) A person must certify that he or she operates
25 a commercial motor vehicle in intrastate commerce, but engages
26 exclusively in transportation or operations excepted from all or
27 parts of the state driver qualification requirements.

1 (2) This subsection applies beginning July 8, 2015.

2 Certification shall be made as follows:

3 (a) A person must certify that he or she operates
4 or expects to operate a commercial motor vehicle in interstate
5 commerce, is both subject to and meets the qualification
6 requirements under 49 C.F.R. part 391, and is required to obtain
7 a medical examiner's certificate by 49 C.F.R. 391.45. Beginning
8 May 21, 2014, the medical examination required in order to obtain
9 a medical examiner's certificate shall be conducted by a medical
10 examiner who is listed on the National Registry of Certified
11 Medical Examiners. Any nonexcepted holder of a commercial learner's
12 permit or commercial driver's license who certifies that he or she
13 will operate a commercial motor vehicle in nonexcepted, interstate
14 commerce must maintain a current medical examiner's certificate and
15 provide a copy of it to the department in order to maintain his or
16 her medical certification status;

17 (b) A person must certify that he or she operates
18 or expects to operate a commercial motor vehicle in interstate
19 commerce, but engages exclusively in transportation or operations
20 excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from
21 all or part of the qualification requirements of 49 C.F.R. part
22 391, and is therefore not required to obtain a medical examiner's
23 certificate by 49 C.F.R. 391.45;

24 (c) A person must certify that he or she operates a
25 commercial motor vehicle only in intrastate commerce and therefore
26 is subject to state driver qualification requirements as provided
27 in section 75-363; or

1 (d) A person must certify that he or she operates
2 a commercial motor vehicle in intrastate commerce, but engages
3 exclusively in transportation or operations excepted from all or
4 parts of the state driver qualification requirements.

5 Sec. 28. Section 60-4,144.02, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 60-4,144.02 (1) ~~Beginning January 1, 2012, for~~ For
8 each operator of a commercial motor vehicle required to have a
9 commercial driver's license or CLP-commercial learner's permit, the
10 department, in compliance with 49 C.F.R. 383.73, shall:

11 (a) Post the driver's self-certification of type of
12 driving under 49 C.F.R. 383.71(a)(1)(ii);

13 (b) Retain the medical examiner's certificate of any
14 driver required to provide documentation of physical qualification
15 for three years beyond the date the certificate was issued; and

16 (c) Post the information from the medical examiner's
17 certificate within ten calendar days to the Commercial Driver
18 License Information System driver record, including:

19 (i) The medical examiner's name;

20 (ii) The medical examiner's telephone number;

21 (iii) The date of the medical examiner's certificate
22 issuance;

23 (iv) The medical examiner's license number and the state
24 that issued it;

25 (v) The medical examiner's National Registry
26 identification number (if the National Registry of Medical
27 Examiners, mandated by 49 U.S.C. 31149(d), requires one);

1 (vi) The indicator of the medical certification status,
2 either "certified" or "not-certified";

3 (vii) The expiration date of the medical examiner's
4 certificate;

5 (viii) The existence of any medical variance on the
6 medical certificate, such as an exemption, Skill Performance
7 Evaluation (SPE) certification, or grandfather provisions;

8 (ix) Any restrictions, for example, corrective lenses,
9 hearing aid, or required to have possession of an exemption letter
10 or Skill Performance Evaluation certificate while on duty; and

11 (x) The date the medical examiner's certificate
12 information was posted to the Commercial Driver License Information
13 System driver record.

14 (2) ~~Beginning January 1, 2012, the~~ The department shall,
15 within ten calendar days of the driver's medical certification
16 status expiring or a medical variance expiring or being rescinded,
17 update the medical certification status of that driver as
18 "not-certified".

19 (3) ~~Beginning January 1, 2012, within~~ Within ten calendar
20 days of receiving information from the Federal Motor Carrier Safety
21 Administration regarding issuance or renewal of a medical variance
22 for a driver, the department shall update the Commercial Driver
23 License Information System driver record to include the medical
24 variance information provided by the Federal Motor Carrier Safety
25 Administration.

26 (4) (a) ~~Beginning January 1, 2012, if~~ If a driver's
27 medical certification or medical variance expires, or the Federal

1 Motor Carrier Safety Administration notifies the department that a
2 medical variance was removed or rescinded, the department shall:

3 (i) Notify the holder of the commercial driver's license
4 ~~holder or CLP-commercial learner's permit~~ of his or her ~~commercial~~
5 ~~driver's license~~ "not-certified" medical certification status and
6 that the CLP-commercial learner's permit or commercial driver's
7 license privilege will be removed from the driver's license or
8 permit unless the driver submits a current medical certificate
9 or medical variance or changes his or her self-certification to
10 driving only in excepted or intrastate commerce, if permitted by
11 the department; and

12 (ii) Initiate established department procedures for
13 downgrading the license. The commercial driver's license downgrade
14 shall be completed and recorded within sixty days of the driver's
15 medical certification status becoming "not-certified" to operate
16 a commercial motor vehicle.

17 (b) ~~Beginning January 1, 2012, if~~ If a driver fails
18 to provide the department with the certification contained in
19 49 C.F.R. 383.71(a)(1)(ii), or a current medical examiner's
20 certificate if the driver self-certifies according to 49 C.F.R.
21 383.71(a)(1)(ii)(A) that he or she is operating in nonexcepted
22 interstate commerce as required by 49 C.F.R. 383.71(h), the
23 department shall mark that Commercial Driver License Information
24 System driver record as "not-certified" and initiate a commercial
25 driver's license downgrade following department procedures in
26 accordance with subdivision (4)(a)(ii) of this section. The
27 CLP-commercial learner's permit or commercial driver's license

1 shall be canceled and marked as "not-certified".

2 Sec. 29. (1) The department shall issue a CLP-commercial
3 learner's permit or a commercial driver's license that is temporary
4 only to any applicant who presents documentation under section
5 60-4,144 that shows his or her authorized stay in the United States
6 is temporary. A CLP-commercial learner's permit or a commercial
7 driver's license that is temporary shall be valid only during the
8 period of time of the applicant's authorized stay in the United
9 States or, if there is no definite end to the period of authorized
10 stay, a period of one year.

11 (2) A CLP-commercial learner's permit or a commercial
12 driver's license that is temporary shall clearly indicate that it
13 is temporary with a special notation that states the date on which
14 it expires.

15 (3) A CLP-commercial learner's permit or a commercial
16 driver's license that is temporary may be renewed only upon
17 presentation of valid documentary evidence that the status, by
18 which the applicant qualified for the CLP-commercial learner's
19 permit or commercial driver's license that is temporary, has been
20 extended by the United States Department of Homeland Security.

21 Sec. 30. (1) The issuance of a CLP-commercial learner's
22 permit is a precondition to the initial issuance of a commercial
23 driver's license. The issuance of a CLP-commercial learner's permit
24 is also a precondition to the upgrade of a commercial driver's
25 license if the upgrade requires a skills test, however, the
26 CLP-commercial learner's permit holder is not eligible to take the
27 skills test in the first fourteen days after initial issuance of

1 the CLP-commercial learner's permit.

2 (2) The CLP-commercial learner's permit holder is not
3 eligible to take the commercial driver's license skills test in the
4 first fourteen days after initial issuance of the CLP-commercial
5 learner's permit.

6 Sec. 31. Section 60-4,146, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 60-4,146 (1) ~~Beginning January 1, 2012, in~~ In addition
9 to certifying himself or herself under this section, an applicant
10 shall also certify himself or herself under section 60-4,144.01.

11 (2) Upon making application pursuant to section 60-4,144,
12 any applicant who operates or expects to operate a commercial
13 motor vehicle in interstate or foreign commerce and who is not
14 subject to 49 C.F.R. part 391 shall certify that he or she is not
15 subject to 49 C.F.R. part 391. Any applicant making certification
16 pursuant to this subsection shall meet the physical and vision
17 requirements established in section 60-4,118 and shall be subject
18 to the provisions of such section relating to the Health Advisory
19 Board.

20 (3) Upon making application pursuant to section 60-4,144,
21 any applicant who operates or expects to operate a commercial
22 motor vehicle solely in intrastate commerce and who is subject
23 to 49 C.F.R. part 391 adopted pursuant to section 75-363 shall
24 certify that the applicant meets the qualification requirements of
25 49 C.F.R. part 391.

26 (4) Upon making application ~~pursuant to section 60-4,144,~~
27 for a CLP-commercial learner's permit or commercial driver's

1 license, any applicant who operates or expects to operate a
2 commercial motor vehicle solely in intrastate commerce and who is
3 not subject to 49 C.F.R. part 391 adopted pursuant to section
4 75-363 shall certify that he or she is not subject to 49
5 C.F.R. part 391. Any applicant making certification pursuant to
6 this subsection shall meet the physical and vision requirements
7 established in section 60-4,118 and shall be subject to the
8 provisions of such section relating to the Health Advisory Board.

9 (5) An applicant who certifies that he or she is not
10 subject to 49 C.F.R. part 391 under subsection (2) or (4) of this
11 section shall answer the following questions on the application:

12 (a) Have you within the last three months (e.g. due
13 to diabetes, epilepsy, mental illness, head injury, stroke, heart
14 condition, neurological disease, etc.):

15 (i) lost voluntary control or consciousness ... yes ...
16 no

17 (ii) experienced vertigo or multiple episodes of
18 dizziness or fainting ... yes ... no

19 (iii) experienced disorientation ... yes ... no

20 (iv) experienced seizures ... yes ... no

21 (v) experienced impairment of memory, memory loss ... yes
22 ... no

23 Please explain:

24 (b) Do you experience any condition which affects your
25 ability to operate a motor vehicle? (e.g. due to loss of, or
26 impairment of, foot, leg, hand, arm; neurological or neuromuscular
27 disease, etc.) ... yes ... no

1 Please explain:

2 (c) Since the issuance of your last driver's
3 license/permit has your health or medical condition changed or
4 worsened? ... yes ... no

5 Please explain, including how the above affects your
6 ability to drive:

7 Sec. 32. Section 60-4,147.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-4,147.01 The ~~Department of Motor Vehicles,~~ department,
10 a prosecutor, or a court must not mask, defer imposition of
11 judgment, or allow an individual to enter into a diversion program
12 that would prevent a CLP-commercial learner's permit driver's
13 conviction or commercial driver's license driver's conviction for
14 any violation, in any type of motor vehicle, of a state or local
15 traffic control law (except a parking violation) from appearing
16 on the driver's record, whether the driver was convicted for an
17 offense committed in the state where the driver is licensed or
18 another state.

19 Sec. 33. Section 60-4,149, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 60-4,149 (1) The examination for commercial drivers'
22 licenses by the department shall occur in and for each county
23 of the State of Nebraska. Each county shall furnish office space
24 for the administration of the examinations, except that two or
25 more counties may, with the permission of the director, establish
26 a separate facility to jointly conduct the examinations for such
27 licenses.

1 (2) (a) The segments of the driving skills examination
2 shall be administered and successfully completed in the following
3 order: Pre-trip inspection, basic vehicle control skills, and
4 on-road skills. If an applicant fails one segment of the driving
5 skills examination:

6 (i) The applicant cannot continue to the next segment of
7 the examination; and

8 (ii) Scores for the passed segments of the examination
9 are only valid during initial issuance of a CLP-commercial
10 learner's permit. If a CLP-commercial learner's permit is renewed,
11 all three segments of the skills examination must be retaken.

12 (b) Passing scores for the knowledge and skills tests
13 must meet the standards contained in 49 C.F.R. 383.135.

14 ~~(2)~~ (3) Except as provided for by section 60-4,157, in
15 sections 60-4,157 and 60-4,158, all commercial driver's license
16 examinations shall be conducted by department personnel designated
17 by the director. Each successful applicant shall be issued a
18 certificate entitling the applicant to secure a commercial driver's
19 license. If department personnel refuse to issue such certificate
20 for cause, he or she shall state such cause in writing and deliver
21 the same to the applicant. Department personnel shall not be
22 required to hold a commercial driver's license to administer a
23 driving skills examination and occupy the seat beside an applicant
24 for a commercial driver's license.

25 ~~(3)~~ (4) The successful applicant shall, within thirty
26 ten days after renewal or within twenty-four hours after initial
27 issuance, present his or her issuance certificate to the county

1 ~~treasurer who shall collect and pay~~ the fee and surcharge as
2 provided in section 60-4,115. ~~A and issue~~ a receipt with driving
3 privileges which is valid for up to thirty days shall be issued.
4 The commercial driver's license shall be delivered to the applicant
5 as provided in section 60-4,113.

6 Sec. 34. Section 60-4,149.01, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-4,149.01 (1) A commercial driver's license examiner
9 shall not require the commercial driver's license knowledge
10 examination, except the hazardous material portion of the
11 examination and any knowledge examinations not previously taken
12 for that class of commercial motor vehicle or endorsement, if the
13 applicant renews his or her commercial driver's license prior to
14 its expiration or within one year after its expiration and if the
15 applicant's driving record abstract maintained in the department's
16 computerized records shows that his or her commercial driver's
17 license is not suspended, revoked, canceled, or disqualified.

18 (2) A nonresident who holds a valid commercial driver's
19 license from another state shall not be required to take the
20 commercial driver's license knowledge examination, except the
21 hazardous material portion of the examination and any knowledge
22 examinations not previously taken for that class of commercial
23 motor vehicle or endorsement, if the nonresident commercial
24 driver's license holder surrenders his or her valid out-of-state
25 commercial driver's license to ~~the commercial driver's license~~
26 ~~examiner.~~ licensing staff.

27 ~~(3) The commercial motor vehicle general knowledge~~

1 ~~examination shall be waived for the commercial driver's license~~
2 ~~applicant if the applicant holds a Nebraska-issued LPC-learner's~~
3 ~~permit that is valid or has been expired less than one year that is~~
4 ~~not canceled, suspended, revoked, or disqualified.~~

5 Sec. 35. Section 60-4,150, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 60-4,150 (1) Any person holding a commercial driver's
8 license or CLP-commercial learner's permit who loses his or her
9 license or permit, who requires issuance of a replacement license
10 or permit because of a change of name or address, or whose license
11 or permit is mutilated or unreadable may obtain a duplicate or
12 replacement commercial driver's license or CLP-commercial learner's
13 permit by filing an application and by furnishing proof of
14 identification in accordance with section ~~60-484.~~ 60-4,144.

15 (2) The application for a replacement license or permit
16 because of a change of name or address shall be made within sixty
17 days after the change of name or address.

18 (3) A duplicate or replacement commercial driver's
19 license or CLP-commercial learner's permit shall be delivered to
20 the applicant as provided in section 60-4,113 after the county
21 treasurer collects the fee and surcharge prescribed in section
22 60-4,115 and issues the applicant a receipt with driving privileges
23 which is valid for up to thirty days.

24 (4) Duplicate and replacement commercial drivers'
25 licenses or CLP-commercial learners' permits shall be issued in
26 the manner provided for the issuance of original and renewal
27 commercial drivers' licenses or permits as provided for by section

1 60-4,149. Upon issuance of any duplicate or replacement commercial
2 driver's license or permit, the commercial driver's license
3 or CLP-commercial learner's permit for which the duplicate or
4 replacement license or permit is issued shall be void.

5 Sec. 36. Section 60-4,151, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 60-4,151 (1) (a) The commercial driver's license shall be
8 conspicuously marked Nebraska Commercial Driver's License and shall
9 be, to the maximum extent practicable, tamper and forgery proof.
10 The commercial driver's license shall be marked Nondomiciled if the
11 license is a nondomiciled commercial driver's license.

12 (b) The form of the commercial driver's license shall
13 also comply with section 60-4,117.

14 (2) The ~~restricted~~ RCDL-restricted commercial driver's
15 license shall be conspicuously marked Nebraska Restricted
16 Commercial Driver's License and shall be, to the maximum
17 extent practicable, tamper and forgery proof. The ~~restricted~~
18 RCDL-restricted commercial driver's license shall contain such
19 additional information as deemed necessary by the director.

20 (3) The ~~seasonal~~ SEP-seasonal permit shall contain such
21 information as deemed necessary by the director but shall include
22 the time period during which the commercial motor vehicle operating
23 privilege is effective. The ~~seasonal~~ SEP-seasonal permit shall
24 be valid only when held in conjunction with a ~~restricted~~ an
25 RCDL-restricted commercial driver's license.

26 (4) The CLP-commercial learner's permit shall be
27 conspicuously marked Nebraska Commercial Learner's Permit and shall

1 be, to the maximum extent practicable, tamper and forgery proof.
2 The permit shall also be marked Nondomiciled if the permit is a
3 nondomiciled CLP-commercial learner's permit.

4 Sec. 37. A commercial driver's license examiner shall
5 not require the driving skills examination for a commercial motor
6 vehicle driver with military commercial motor vehicle experience
7 who is currently licensed at the time of his or her application
8 for a commercial driver's license and may substitute an applicant's
9 driving record in combination with certain driving experience.
10 The department may impose conditions and limitations as allowed
11 under 49 C.F.R. 383 to restrict the applicants from whom the
12 department may accept alternative requirements for the driving
13 skills examination authorized in section 60-4,155. Such conditions
14 and limitations shall require at least the following:

15 (1) An applicant must certify that, during the two-year
16 period immediately prior to applying for a commercial driver's
17 license, he or she:

18 (a) Has not had more than one operator's license, except
19 for a military operator's license;

20 (b) Has not had any operator's license suspended,
21 revoked, or canceled;

22 (c) Has not had any convictions for any type of motor
23 vehicle for the disqualifying offenses contained in 49 C.F.R.
24 383.51(b);

25 (d) Has not had more than one conviction for any type of
26 motor vehicle for serious traffic violations contained in 49 C.F.R.
27 383.51(c);

1 (e) Has not had any conviction for a violation of
2 military, state, or local law relating to motor vehicle traffic
3 control, other than a parking violation, arising in connection with
4 any traffic accident; and

5 (f) Has no record of an accident in which he or she was
6 at fault; and

7 (2) An applicant must provide evidence and certify that
8 he or she:

9 (a) Is regularly employed or was regularly employed
10 within the last ninety days in a military position requiring
11 operation of a commercial motor vehicle;

12 (b) Was exempted from the commercial driver's license
13 requirements in 49 C.F.R. 383.3(c); and

14 (c) Was operating a vehicle representative of the
15 commercial motor vehicle the driver applicant operates or expects
16 to operate, for at least two years immediately preceding discharge
17 from the military.

18 Sec. 38. Section 60-4,153, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 60-4,153 Prior to the issuance of any original or renewal
21 commercial driver's license, ~~or~~ the reissuance of any commercial
22 driver's license with a change of any classification, endorsement,
23 or restriction, or the issuance of a CLP-commercial learner's
24 permit, the department shall, within twenty-four hours prior to
25 issuance if the applicant does not currently possess a valid
26 commercial driver's license or CLP-commercial learner's permit
27 issued by this state and within ten days prior to the issuance or

1 reissuance for all other applicants:

2 (1) Check the driving record of the applicant as
3 maintained by the department or by any other state which has
4 issued an operator's license to the applicant;

5 (2) Contact the Commercial Driver License Information
6 System to determine whether the applicant possesses any valid
7 commercial driver's license or commercial learner's permit issued
8 by any other state, whether such license or permit or the
9 applicant's privilege to operate a commercial motor vehicle has
10 been suspended, revoked, or canceled, or whether the applicant has
11 been disqualified from operating a commercial motor vehicle; and

12 (3) Contact the National Driver Register to determine if
13 the applicant (a) has been disqualified from operating any motor
14 vehicle, (b) has had an operator's license suspended, revoked, or
15 canceled for cause in the three-year period ending on the date of
16 application, (c) has been convicted of operation of a motor vehicle
17 while under the influence of or while impaired by alcohol or a
18 controlled substance, a traffic violation arising in connection
19 with a fatal traffic accident, reckless driving, racing on the
20 highways, failure to render aid or provide identification when
21 involved in an accident which resulted in a fatality or personal
22 injury, or perjury or the knowledgeable making of a false affidavit
23 or statement to officials in connection with activities governed
24 by a law, rule, or regulation related to the operation of a motor
25 vehicle, (d) is not eligible, or (e) is deceased.

26 Sec. 39. Section 60-4,154, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

1 60-4,154 (1) Prior to the issuance of any original or
2 renewal commercial driver's license, ~~or~~ the reissuance of any
3 commercial driver's license with a change of any classification,
4 endorsement, or restriction, or the issuance of a CLP-commercial
5 learner's permit, the director shall notify the Commercial Driver
6 License Information System of the issuance and shall provide the
7 applicant's name, social security number, and any other required
8 information to the operator of the system.

9 (2) ~~Beginning January 1, 2012, the~~ The department shall
10 post information from the medical examiner's certificate to the
11 Commercial Driver License Information System in accordance with
12 section 60-4,144.02 and 49 C.F.R. 383.73.

13 Sec. 40. Section 60-4,157, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 60-4,157 (1) A commercial driver's license examiner may
16 waive the driving skills examination when an applicant presents
17 evidence, on a form to be prescribed by the director, that
18 he or she has successfully passed a driving skills examination
19 administered by a third-party tester.

20 ~~For purposes of this section and section 60-4,158,~~
21 ~~third-party tester shall mean another state's licensing authority,~~
22 ~~any agency, department, board, or commission of this state, any~~
23 ~~employer, any public or private driver training facility, or any~~
24 ~~political subdivision of this state authorized by the director~~
25 ~~to conduct the driving skills examination for the issuance of~~
26 ~~commercial drivers' licenses.~~

27 (2) A third-party skills test examiner may administer a

1 driving skills examination to an applicant who has taken training
2 in this state but is to be licensed in another state. The driving
3 skills examination results shall be reported by the third-party
4 skills test examiner to the department. The department shall
5 transmit electronically the driving skills examination results
6 directly from this state to the licensing state in an efficient and
7 secure manner to be determined by the director.

8 (3) A third-party skills test examiner who is also a
9 skills instructor either as part of a school, training program,
10 or otherwise is prohibited from administering a skills test to
11 an applicant who received skills training by that skills test
12 examiner.

13 Sec. 41. Section 60-4,158, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 60-4,158 (1) The director shall adopt and promulgate
16 rules and regulations governing the certification of third-party
17 testers by the ~~Department of Motor Vehicles-~~ department. Such rules
18 and regulations shall substantially comply with the requirements of
19 49 C.F.R. 383.75. ~~An~~ A third-party skills test examiner employed by
20 a certified third-party tester is not required to hold a commercial
21 driver's license to administer a driving skills examination and
22 occupy the seat beside an applicant for a commercial driver's
23 license.

24 (2)(a) An applicant to be certified as a third-party
25 skills test examiner shall provide fingerprints to the Nebraska
26 State Patrol. The Nebraska State Patrol shall undertake a
27 search for criminal history record information relating to such

1 applicant, including transmittal of the applicant's fingerprints
2 to the Federal Bureau of Investigation for a national criminal
3 history record information check. The criminal history record
4 information shall include information concerning the applicant
5 from federal repositories of such information and repositories of
6 such information in other states if authorized by federal law.
7 The Nebraska State Patrol shall issue a report to the department
8 that includes the criminal history record information concerning
9 the applicant. The applicant shall pay the actual cost of the
10 fingerprinting and criminal background check.

11 (b) A third-party skills test examiner shall be subject
12 to a national criminal history record information check.

13 (c) The department shall maintain a record of the results
14 of the criminal background check and third-party skills test
15 examiner test training and certification of all third-party skills
16 test examiners.

17 (d) The department shall rescind the certification to
18 administer commercial driver's license tests of all third-party
19 skills test examiners who:

20 (i) Do not successfully complete the required refresher
21 training every four years; or

22 (ii) Do not pass a national criminal history record
23 information check. Criteria for not passing the criminal background
24 check must include at least the following:

25 (A) Any felony conviction within the last ten years; or

26 (B) Any conviction involving fraudulent activities.

27 ~~(2)~~ (3) A certification to conduct third-party testing

1 shall be valid for two years, and the department shall charge a fee
2 of one hundred dollars to issue or renew the certification of any
3 third-party tester. The department shall remit the fees collected
4 to the State Treasurer for credit to the General Fund.

5 ~~(3)~~ (4) Any third-party tester who violates any of the
6 rules and regulations adopted and promulgated pursuant to this
7 section shall be subject to having his or her certification revoked
8 by the department.

9 Sec. 42. Section 60-4,159, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-4,159 (1) Any person possessing a commercial driver's
12 license or CLP-commercial learner's permit issued by the ~~Department~~
13 ~~of Motor Vehicles~~ department shall, within ten days ~~of~~ after the
14 date of conviction, notify the department of all convictions for
15 violations of state law or local ordinance related to motor vehicle
16 traffic control, except parking violations, when such convictions
17 occur in another state.

18 (2) Any person possessing a commercial driver's license
19 or CLP-commercial learner's permit issued by the department who is
20 convicted of violating any state law or local ordinance related
21 to motor vehicle traffic control in this or any other state,
22 other than parking violations, shall notify his or her employer
23 in writing of the conviction within thirty days of the date of
24 conviction.

25 (3) Any person possessing a commercial driver's license
26 or CLP-commercial learner's permit issued by the department whose
27 commercial driver's license or CLP-commercial learner's permit

1 is suspended, revoked, or canceled by any state, who loses the
2 privilege to ~~drive~~ operate a commercial motor vehicle in any state
3 for any period, or who is disqualified from ~~driving~~ operating a
4 commercial motor vehicle for any period shall notify his or her
5 employer of that fact before the end of the business day following
6 the day the driver received notice of that fact.

7 (4) Any person who fails to provide the notifications
8 required in subsection (1), (2), or (3) of this section shall, upon
9 conviction, be guilty of a Class III misdemeanor.

10 Sec. 43. Section 60-4,160, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-4,160 Written notice shall be delivered to any
13 applicant whose application for a commercial driver's license or
14 CLP-commercial learner's permit is refused or denied for cause. The
15 applicant shall have a right to an immediate appeal to the director
16 upon receipt of such notice. The director shall hear the appeal
17 and render a prompt finding not later than ten days after receipt
18 of the appeal.

19 Sec. 44. Section 60-4,162, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-4,162 (1) Each employer shall require prospective
22 applicants for employment as a driver of a commercial motor vehicle
23 to provide the information required by section 60-4,161.

24 ~~(2) An employer shall not knowingly allow, permit, or~~
25 ~~authorize a person to operate a commercial motor vehicle in the~~
26 ~~United States during any period in which:~~

27 ~~(a) The person's commercial driver's license is~~

1 ~~suspended, revoked, or canceled by any state;~~

2 ~~(b) The person has lost the privilege to drive a~~
3 ~~commercial motor vehicle in any state;~~

4 ~~(c) The person has been disqualified from driving a~~
5 ~~commercial motor vehicle; or~~

6 ~~(d) The person has more than one operator's license.~~

7 ~~(3) No employer may knowingly allow, permit, or authorize~~
8 ~~a person to operate a commercial motor vehicle in the United~~
9 ~~States in violation of a federal, state, or local law or regulation~~
10 ~~pertaining to highway-rail grade crossings.~~

11 (2) No employer may knowingly allow, require, permit, or
12 authorize a driver to operate a commercial motor vehicle in the
13 United States in any of the following circumstances:

14 (a) During any period in which the driver does not have a
15 current commercial learner's permit or commercial driver's license
16 or does not have a commercial learner's permit or commercial
17 driver's license with the proper class or endorsements. An employer
18 may not use a driver to operate a commercial motor vehicle who
19 violates any restriction on the driver's commercial learner's
20 permit or commercial driver's license;

21 (b) During any period in which the driver has a
22 commercial learner's permit or commercial driver's license
23 disqualified by a state, has lost the right to operate a commercial
24 motor vehicle in a state, or has been disqualified from operating
25 a commercial motor vehicle;

26 (c) During any period in which the driver has more than
27 one commercial learner's permit or commercial driver's license;

1 (d) During any period in which the driver, the commercial
2 motor vehicle he or she is operating, or the motor carrier
3 operation is subject to an out-of-service order; or

4 (e) In violation of a federal, state, or local law or
5 regulation pertaining to railroad-highway grade crossings.

6 ~~(4)~~ (3) Any employer who violates this section shall,
7 upon conviction, be guilty of a Class III misdemeanor.

8 Sec. 45. Section 60-4,167, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 60-4,167 Upon receipt of a law enforcement officer's
11 sworn report provided for in section 60-4,164, the director
12 shall serve the notice of disqualification to the person who
13 is the subject of the report by regular United States mail to
14 the person's last-known address appearing on the records of the
15 director. If the address on the director's records differs from
16 the address on the arresting officer's report, the notice of
17 disqualification shall be sent to both addresses. The notice of
18 disqualification shall contain a statement explaining the operation
19 of the disqualification procedure and the rights of the person.
20 The director shall also provide to the person a self-addressed
21 envelope and a petition form which the person may use to request
22 a hearing before the director to contest the disqualification. The
23 petition form shall clearly state on its face that the petition
24 must be completed and delivered to the department or postmarked
25 within ten days after receipt or the person's right to a hearing to
26 contest the disqualification will be foreclosed. The director shall
27 prescribe and approve the form for the petition, the self-addressed

1 envelope, and the notice of disqualification. If not contested,
2 the disqualification shall automatically take effect thirty days
3 after the date of mailing of the notice of disqualification by
4 the director. Any chemical test or tests made under section
5 60-4,164, if made in conformity with the requirements of section
6 60-6,201, shall be competent evidence of the alcoholic content of
7 such person's blood or breath. The commercial driver's license or
8 commercial learner's permit of the person who is the subject of
9 the report shall be automatically disqualified upon the expiration
10 of thirty days after the date of the mailing of the notice of
11 disqualification by the director. The director shall conduct the
12 hearing in the county in which the violation occurred or in any
13 county agreed to by the parties. Upon receipt of a petition, the
14 director shall notify the petitioner of the date and location for
15 the hearing by regular United States mail postmarked at least seven
16 days prior to the hearing date.

17 After granting the petitioner an opportunity to be heard
18 on such issue, if it is not shown to the director that the
19 petitioner's refusal to submit to such chemical test or tests
20 was reasonable or unless it is shown to the director that the
21 petitioner was not operating or in the actual physical control of
22 a commercial motor vehicle with an alcoholic concentration in his
23 or her blood or breath equal to or in excess of that specified
24 in subsection (5) of section 60-4,164, the director shall enter
25 an order pursuant to section 60-4,169 revoking the petitioner's
26 commercial driver's license or commercial learner's permit and the
27 petitioner's privilege to operate a commercial motor vehicle in

1 this state and disqualifying the person from operating a commercial
2 motor vehicle for the period specified by section 60-4,168.

3 Sec. 46. Section 60-4,168, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 60-4,168 (1) Except as provided in subsections (2) and
6 (3) of this section, a person shall be disqualified from ~~driving~~
7 operating a commercial motor vehicle for one year upon his or her
8 first conviction ~~after April 1, 1992~~ in this or any other state
9 for:

10 (a) ~~Driving a commercial motor vehicle in violation of~~
11 ~~section 60-6,196 or 60-6,197 or under the influence of a controlled~~
12 ~~substance or, beginning September 30, 2005, driving~~ Operating any
13 motor vehicle in violation of section 60-6,196 or 60-6,197 or under
14 the influence of a controlled substance;

15 (b) ~~Driving~~ Operating a commercial motor vehicle in
16 violation of section 60-4,163 or 60-4,164;

17 (c) Leaving the scene of an accident involving a
18 commercial motor vehicle ~~driven by the person or, beginning~~
19 ~~September 30, 2005, leaving the scene of an accident involving~~
20 any motor vehicle ~~driven~~ operated by the person;

21 (d) Using a commercial motor vehicle in the commission
22 of a felony other than a felony described in subdivision (3)(b)
23 of this section ~~or, beginning September 30, 2005, using~~ any motor
24 vehicle in the commission of a felony other than a felony described
25 in subdivision (3)(b) of this section;

26 (e) ~~Beginning September 30, 2005, driving~~ Operating a
27 commercial motor vehicle after his or her commercial driver's

1 license has been suspended, revoked, or canceled or the driver is
2 disqualified from ~~driving~~ operating a commercial motor vehicle; or

3 (f) ~~Beginning September 30, 2005,~~ Causing
4 a fatality through the negligent or criminal operation of a
5 commercial motor vehicle.

6 (2) Except as provided in subsection (3) of this section,
7 if any of the offenses described in subsection (1) of this section
8 occurred while a person was transporting hazardous material in
9 a commercial motor vehicle which required placarding pursuant to
10 section 75-364, the person shall, upon conviction or administrative
11 determination, be disqualified from ~~driving~~ operating a commercial
12 motor vehicle for three years.

13 (3) A person shall be disqualified from ~~driving~~ operating
14 a commercial motor vehicle for life if, ~~after April 1, 1992,~~ he or
15 she:

16 (a) Is convicted of or administratively determined to
17 have committed a second or subsequent violation of any of the
18 offenses described in subsection (1) of this section or any
19 combination of those offenses arising from two or more separate
20 incidents; or

21 (b) ~~Beginning September 30, 2005,~~ Used a commercial
22 motor vehicle in the commission of a felony involving the
23 manufacturing, distributing, or dispensing of a controlled
24 substance.

25 (4)(a) A person is disqualified from ~~driving~~ operating
26 a commercial motor vehicle for a period of not less than sixty
27 days if he or she is convicted in this or any other state of two

1 serious traffic violations, or not less than one hundred twenty
2 days if he or she is convicted in this or any other state of
3 three serious traffic violations, arising from separate incidents
4 occurring within a three-year period while operating a commercial
5 motor vehicle.

6 (b) A person is disqualified from ~~driving~~ operating a
7 commercial motor vehicle for a period of not less than sixty days
8 if he or she is convicted in this or any other state of two
9 serious traffic violations, or not less than one hundred twenty
10 days if he or she is convicted in this or any other state of
11 three serious traffic violations, arising from separate incidents
12 occurring within a three-year period while operating a motor
13 vehicle other than a commercial motor vehicle if the convictions
14 have resulted in the revocation, cancellation, or suspension of the
15 person's operator's license or driving privileges.

16 (5)(a) A person who is convicted of operating a
17 commercial motor vehicle in violation of a federal, state, or local
18 law or regulation pertaining to one of the following six offenses
19 at a highway-rail grade crossing shall be disqualified for the
20 period of time specified in subdivision (5)(b) of this section:

21 (i) For drivers who are not required to always stop,
22 failing to slow down and check that the tracks are clear of an
23 approaching train;

24 (ii) For drivers who are not required to always stop,
25 failing to stop before reaching the crossing, if the tracks are not
26 clear;

27 (iii) For drivers who are always required to stop,

1 failing to stop before driving onto the crossing;

2 (iv) For all drivers, failing to have sufficient space to
3 drive completely through the crossing without stopping;

4 (v) For all drivers, failing to obey a traffic control
5 device or the directions of an enforcement official at the
6 crossing; or

7 (vi) For all drivers, failing to negotiate a crossing
8 because of insufficient undercarriage clearance.

9 (b)(i) A person shall be disqualified for not less
10 than sixty days if the person is convicted of a first violation
11 described in this subsection.

12 (ii) A person shall be disqualified for not less than one
13 hundred twenty days if, during any three-year period, the person
14 is convicted of a second violation described in this subsection in
15 separate incidents.

16 (iii) A person shall be disqualified for not less than
17 one year if, during any three-year period, the person is convicted
18 of a third or subsequent violation described in this subsection in
19 separate incidents.

20 (6) This subsection applies beginning July 8, 2015. A
21 person shall be disqualified from operating a commercial motor
22 vehicle for at least one year if the person has been convicted
23 of fraud related to the issuance of his or her CLP-commercial
24 learner's permit or commercial driver's license.

25 (7) This subsection applies beginning July 8, 2015. If
26 the department receives credible information that a CLP-commercial
27 learner's permit holder or a commercial driver's license holder

1 is suspected, but has not been convicted, of fraud related to
2 the issuance of his or her CLP-commercial learner's permit or
3 commercial driver's license, the department must require the driver
4 to re-take the skills and knowledge tests. Within thirty days
5 after receiving notification from the department that retesting
6 is necessary, the affected CLP-commercial learner's permit holder
7 or commercial driver's license holder must make an appointment
8 or otherwise schedule to take the next available test. If the
9 CLP-commercial learner's permit holder or commercial driver's
10 license holder fails to make an appointment within thirty days,
11 the department must disqualify his or her CLP-commercial learner's
12 permit or commercial driver's license. If the driver fails either
13 the knowledge or skills test or does not take the test, the
14 department must disqualify his or her CLP-commercial learner's
15 permit or commercial driver's license. If the holder of a
16 CLP-commercial learner's permit or commercial driver's license
17 has had his or her CLP-commercial learner's permit or commercial
18 driver's license disqualified, he or she must reapply for a
19 CLP-commercial learner's permit or commercial driver's license
20 under department procedures applicable to all applicants for a
21 CLP-commercial learner's permit or commercial driver's license.

22 ~~(6)~~ (8) For purposes of this section, controlled
23 substance has the same meaning as in section 28-401.

24 ~~(7)~~ (9) For purposes of this section, conviction means
25 an unvacated adjudication of guilt, or a determination that a
26 person has violated or failed to comply with the law, in a
27 court of original jurisdiction or by an authorized administrative

1 tribunal, an unvacated forfeiture of bail or collateral deposited
2 to secure the person's appearance in court, a plea of guilty or
3 nolo contendere accepted by the court, the payment of a fine or
4 court costs, or a violation of a condition of release without bail,
5 regardless of whether or not the penalty is rebated, suspended, or
6 probated.

7 ~~(8)~~ (10) For purposes of this section, serious traffic
8 violation means:

9 (a) Speeding at or in excess of fifteen miles per hour
10 over the legally posted speed limit;

11 (b) Willful reckless driving as described in section
12 60-6,214 or reckless driving as described in section 60-6,213;

13 (c) Improper lane change as described in section
14 60-6,139;

15 (d) Following the vehicle ahead too closely as described
16 in section 60-6,140;

17 (e) A violation of any law or ordinance related to
18 motor vehicle traffic control, other than parking violations or
19 overweight or vehicle defect violations, arising in connection with
20 an accident or collision resulting in death to any person;

21 (f) ~~Beginning September 30, 2005, driving~~ Operating a
22 commercial motor vehicle without a commercial driver's license;

23 (g) ~~Beginning September 30, 2005, driving~~ Operating a
24 commercial motor vehicle without a commercial driver's license in
25 the operator's possession;

26 (h) ~~Beginning September 30, 2005, driving~~ Operating a
27 commercial motor vehicle without the proper class of commercial

1 driver's license and any endorsements, if required, for the
2 specific vehicle group being operated or for the passengers or
3 type of cargo being transported on the vehicle; and

4 (i) ~~Beginning October 27, 2013, texting~~ Texting while
5 driving as described in section 60-6,179.02; ~~and-~~

6 (j) Using a handheld mobile telephone as described in
7 section 60-6,179.02.

8 Sec. 47. Section 60-4,169, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-4,169 Whenever it comes to the attention of the
11 director that any person when operating a motor vehicle has,
12 based upon the records of the director, been convicted of
13 or administratively determined to have committed an offense for
14 which disqualification is required pursuant to section 60-4,146.01,
15 60-4,168, or 60-4,168.01, the director shall summarily revoke
16 (1) the commercial driver's license or CLP-commercial learner's
17 permit and privilege of such person to operate a commercial motor
18 vehicle in this state or (2) the privilege, if such person is
19 a nonresident, of operating a commercial motor vehicle in this
20 state. Any revocation ordered by the director pursuant to this
21 section shall commence on the date of the signing of the order
22 of revocation or the date of the release of such person from the
23 jail or a Department of Correctional Services adult correctional
24 facility, whichever is later, unless the order of the court
25 requires the jail time and the revocation to run concurrently.

26 Sec. 48. Section 60-4,170, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

1 60-4,170 Within ten days after the revocation provided
2 for by section 60-4,169, the director shall notify in writing the
3 person whose commercial driver's license, CLP-commercial learner's
4 permit, or privilege to operate a commercial motor vehicle
5 has been revoked that such license, permit, or privilege has
6 been revoked. Such notice shall: (1) Contain a list of the
7 disqualifying convictions or administrative determinations upon
8 which the director relies as his or her authority for the
9 revocation, with the dates on which such disqualifying violations
10 occurred and the dates of such convictions or administrative
11 determinations and the trial courts or administrative agencies
12 in which such convictions or administrative determinations were
13 rendered; (2) state the term of revocation; (3) include a demand
14 that the commercial driver's license or CLP-commercial learner's
15 permit be returned to the director immediately; and (4) be served
16 by mailing the notice to such person by regular United States
17 mail to the address of such person. ~~If any person fails to~~
18 ~~return a commercial driver's license following a demand by the~~
19 ~~director, the director shall immediately direct any peace officer~~
20 ~~or authorized representative of the director to secure possession~~
21 ~~of such license and return the license to the director.~~ Any person
22 refusing or failing to surrender a commercial driver's license or
23 CLP-commercial learner's permit as required by this section shall,
24 upon conviction, be guilty of a Class III misdemeanor.

25 Any person who feels himself or herself aggrieved because
26 of a revocation pursuant to section 60-4,169 may appeal from
27 such revocation in the manner set forth in section 60-4,105. Such

1 appeal shall not suspend the order of revocation unless a stay
2 of such revocation shall be allowed by the court pending a final
3 determination of the review. The license of any person claiming to
4 be aggrieved shall not be restored to such person, in the event of
5 a final judgment of a court against such person, until the full
6 time of revocation, as fixed by the director, has elapsed.

7 Sec. 49. Section 60-4,171, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 60-4,171 (1) Following any period of revocation ordered
10 by a court, a resident who has had a commercial driver's license
11 or CLP-commercial learner's permit revoked pursuant to section
12 60-4,169 may apply for a Class O or M operator's license.

13 (2) Any person who has had his or her commercial driver's
14 license or CLP-commercial learner's permit revoked pursuant to
15 section 60-4,169 may, at the end of such revocation period, apply
16 to have his or her eligibility for a commercial driver's license
17 or CLP-commercial learner's permit reinstated. The applicant shall

18 ~~(a) apply to the Department of Motor Vehicles and provide his or~~
19 ~~her social security number, department and meet the requirements~~
20 ~~of section 60-4,144, (b) take the commercial driver's license~~
21 ~~knowledge and driving skills examinations prescribed pursuant to~~
22 ~~section 60-4,155, ~~(e) up to and including December 31, 2011,~~~~
23 ~~comply with section 60-4,145 regarding physical requirements, ~~(d)~~~~
24 ~~on or after January 1, 2012, if applying for a commercial driver's~~
25 ~~license, (c) certify pursuant to section 60-4,144.01 and meet the~~
26 ~~applicable medical requirements for such certification, ~~(e) (d) be~~~~
27 ~~subject to a check of his or her driving record, ~~(f) (e) pay~~~~

1 the fees specified in section 60-4,115 and a reinstatement fee as
2 provided in section 60-499.01, and ~~(g)~~ (f) surrender any operator's
3 license issued pursuant to subsection (1) of this section.

4 Sec. 50. Section 60-4,172, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-4,172 (1) Within ten days after receiving an abstract
7 of conviction of any nonresident holder of a who holds a commercial
8 learner's permit or commercial driver's license for any violation
9 of state law or local ordinance related to motor vehicle traffic
10 control, other than parking violations, committed in a commercial
11 motor vehicle operated in this state, the director shall notify
12 the driver licensing authority which licensed the nonresident who
13 holds a commercial learner's permit or commercial driver's license
14 and the Commercial Driver License Information System of such
15 conviction.

16 (2) (a) ~~Beginning September 30, 2005, within~~ Within ten
17 days after disqualifying a nonresident holder of an ~~out-of-state~~
18 who holds a commercial learner's permit or commercial driver's
19 license or canceling, revoking, or suspending a ~~nonresident's~~
20 ~~out-of-state~~ the commercial learner's permit or commercial driver's
21 license held by a nonresident, for a period of at least sixty
22 days, the ~~Department of Motor Vehicles~~ department shall notify the
23 driver licensing authority which licensed the nonresident and the
24 Commercial Driver License Information System of such action.

25 (b) The notification shall include both the
26 disqualification and the violation that resulted in the
27 disqualification, cancellation, revocation, or suspension. The

1 notification and the information it provides shall be recorded on
2 the driver's record.

3 (3) ~~Beginning September 30, 2005, within~~ Within ten days
4 after receiving an abstract of conviction of any nonresident ~~holder~~
5 of a who holds a commercial learner's permit or commercial driver's
6 license for any violation of state law or local ordinance related
7 to motor vehicle traffic control, other than parking violations,
8 committed in any type of motor vehicle operated in this state, the
9 director shall notify the driver licensing authority which licensed
10 the nonresident and the Commercial Driver License Information
11 System of such conviction.

12 (4) ~~Beginning September 30, 2005, within~~ Within ten days
13 after receiving an abstract of conviction of any nonresident ~~holder~~
14 of a who holds a driver's license for any violation of state law
15 or local ordinance related to motor vehicle traffic control, other
16 than parking violations, committed in a commercial motor vehicle
17 operated in this state, the director shall notify the driver
18 licensing authority which licensed the nonresident.

19 Sec. 51. Section 60-4,182, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 60-4,182 In order to prevent and eliminate successive
22 traffic violations, there is hereby provided a point system dealing
23 with traffic violations as disclosed by the files of the director.
24 The following point system shall be adopted:

- 25 (1) Conviction of motor vehicle homicide - 12 points;
- 26 (2) Third offense drunken driving in violation of any
- 27 city or village ordinance or of section 60-6,196, as disclosed by

1 the records of the director, regardless of whether the trial court
2 found the same to be a third offense - 12 points;

3 (3) Failure to stop and render aid as required under
4 section 60-697 in the event of involvement in a motor vehicle
5 accident resulting in the death or personal injury of another - 6
6 points;

7 (4) Failure to stop and report as required under section
8 60-696 or any city or village ordinance in the event of a motor
9 vehicle accident resulting in property damage - 6 points;

10 (5) Driving a motor vehicle while under the influence
11 of alcoholic liquor or any drug or when such person has a
12 concentration of eight-hundredths of one gram or more by weight of
13 alcohol per one hundred milliliters of his or her blood or per two
14 hundred ten liters of his or her breath in violation of any city or
15 village ordinance or of section 60-6,196 - 6 points;

16 (6) Willful reckless driving in violation of any city or
17 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;

18 (7) Careless driving in violation of any city or village
19 ordinance or of section 60-6,212 - 4 points;

20 (8) Negligent driving in violation of any city or village
21 ordinance - 3 points;

22 (9) Reckless driving in violation of any city or village
23 ordinance or of section 60-6,213 - 5 points;

24 (10) Speeding in violation of any city or village
25 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

26 (a) Not more than five miles per hour over the speed
27 limit - 1 point;

1 (b) More than five miles per hour but not more than ten
2 miles per hour over the speed limit - 2 points;

3 (c) More than ten miles per hour but not more than
4 thirty-five miles per hour over the speed limit - 3 points, except
5 that one point shall be assessed upon conviction of exceeding by
6 not more than ten miles per hour, two points shall be assessed
7 upon conviction of exceeding by more than ten miles per hour but
8 not more than fifteen miles per hour, and three points shall be
9 assessed upon conviction of exceeding by more than fifteen miles
10 per hour but not more than thirty-five miles per hour the speed
11 limits provided for in subdivision (1)(e), (f), (g), or (h) of
12 section 60-6,186; and

13 (d) More than thirty-five miles per hour over the speed
14 limit - 4 points;

15 (11) Failure to yield to a pedestrian not resulting in
16 bodily injury to a pedestrian - 2 points;

17 (12) Failure to yield to a pedestrian resulting in bodily
18 injury to a pedestrian - 4 points;

19 (13) Using a handheld wireless communication device in
20 violation of section 60-6,179.01 or texting while driving in
21 violation of subsection (1) or (3) of section 60-6,179.02 - 3
22 points;

23 (14) Using a handheld mobile telephone in violation of
24 subsection (2) or (4) of section 60-6,179.02 - 3 points;

25 ~~(14)~~ (15) Unlawful obstruction or interference of the
26 view of an operator in violation of section 60-6,256 - 1 point;

27 ~~(15)~~ (16) A violation of subsection (1) of section

1 60-6,175 - 3 points; and

2 ~~(16)~~ (17) All other traffic violations involving the
3 operation of motor vehicles by the operator for which reports
4 to the Department of Motor Vehicles are required under sections
5 60-497.01 and 60-497.02 - 1 point.

6 Subdivision ~~(16)~~ (17) of this section does not include
7 violations involving an occupant protection system pursuant to
8 section 60-6,270, parking violations, violations for operating
9 a motor vehicle without a valid operator's license in the
10 operator's possession, muffler violations, overwidth, overheight,
11 or overlength violations, motorcycle or moped protective helmet
12 violations, or overloading of trucks.

13 All such points shall be assessed against the driving
14 record of the operator as of the date of the violation for which
15 conviction was had. Points may be reduced by the department under
16 section 60-4,188.

17 In all cases, the forfeiture of bail not vacated shall be
18 regarded as equivalent to the conviction of the offense with which
19 the operator was charged.

20 The point system shall not apply to persons convicted
21 of traffic violations committed while operating a bicycle or an
22 electric personal assistive mobility device as defined in section
23 60-618.02.

24 Sec. 52. Section 60-6,179.01, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 60-6,179.01 (1) This section does not apply to an
27 operator of a commercial motor vehicle if section 60-6,179.02

1 applies.

2 (2) Except as otherwise provided in subsection (3) of
3 this section, no person shall use a handheld wireless communication
4 device to read a written communication, manually type a written
5 communication, or send a written communication while operating a
6 motor vehicle which is in motion.

7 (3) The prohibition in subsection (2) of this section
8 does not apply to:

9 (a) A person performing his or her official duties as a
10 law enforcement officer, a firefighter, an ambulance driver, or an
11 emergency medical technician; or

12 (b) A person operating a motor vehicle in an emergency
13 situation.

14 (4) Enforcement of this section by state or local law
15 enforcement agencies shall be accomplished only as a secondary
16 action when a driver of a motor vehicle has been cited or charged
17 with a traffic violation or some other offense.

18 (5) Any person who violates this section shall be guilty
19 of a traffic infraction. Any person who is found guilty of a
20 traffic infraction under this section shall be assessed points on
21 his or her motor vehicle operator's license pursuant to section
22 60-4,182 and shall be fined:

23 (a) Two hundred dollars for the first offense;

24 (b) Three hundred dollars for a second offense; and

25 (c) Five hundred dollars for a third and subsequent
26 offense.

27 (6) For purposes of this section:

1 (a) Commercial motor vehicle has the same meaning as in
2 section 75-362;

3 ~~(a)(i)~~ (b)(i) Handheld wireless communication device
4 means any device that provides for written communication between
5 two or more parties and is capable of receiving, displaying, or
6 transmitting written communication.

7 (ii) Handheld wireless communication device includes,
8 but is not limited to, a mobile or cellular telephone, a text
9 messaging device, a personal digital assistant, a pager, or a
10 laptop computer.

11 (iii) Handheld wireless communication device does not
12 include an electronic device that is part of the motor vehicle or
13 permanently attached to the motor vehicle or a handsfree wireless
14 communication device; and

15 ~~(b)~~ (c) Written communication includes, but is not
16 limited to, a text message, an instant message, electronic mail,
17 and Internet web sites.

18 Sec. 53. Section 60-6,179.02, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 60-6,179.02 ~~(1)~~ Beginning October 27, 2013, except (1)(a)
21 Except as otherwise provided in subsection (2) subdivision (1)(b)
22 of this section, no operator of a commercial motor vehicle or
23 a motor vehicle designed or used to transport between nine
24 and fifteen passengers, including the driver, not for direct
25 compensation, if the vehicle does not otherwise meet the definition
26 of a commercial motor vehicle, shall engage in texting while
27 driving such vehicle.

1 ~~(2)~~ (b) Texting while driving is permissible by an
2 operator of a commercial motor vehicle if such texting is or
3 a motor vehicle designed or used to transport between nine
4 and fifteen passengers, including the driver, not for direct
5 compensation, if the vehicle does not otherwise meet the definition
6 of a commercial motor vehicle, when necessary to communicate with
7 law enforcement officials or other emergency services.

8 (2) (a) Except as otherwise provided in subdivision (2) (b)
9 of this section, no operator of a commercial motor vehicle or
10 a motor vehicle designed or used to transport between nine
11 and fifteen passengers, including the driver, not for direct
12 compensation, if the vehicle does not otherwise meet the definition
13 of a commercial motor vehicle, shall use a handheld mobile
14 telephone while driving and no motor carrier shall allow or
15 require its operators to use a handheld mobile telephone while
16 driving such vehicle.

17 (b) Using a handheld mobile telephone is permissible
18 by an operator of a commercial motor vehicle or a motor vehicle
19 designed or used to transport between nine and fifteen passengers,
20 including the driver, not for direct compensation, if the vehicle
21 does not otherwise meet the definition of a commercial motor
22 vehicle, when necessary to communicate with law enforcement
23 officials or other emergency services.

24 (3) (a) Except as otherwise provided in subdivision (3) (b)
25 of this section, no operator of a school bus shall engage in
26 texting during school bus operations.

27 (b) Texting while driving is permissible by an operator

1 of a school bus during school bus operations when necessary to
2 communicate with law enforcement officials or other emergency
3 services.

4 (4) (a) Except as otherwise provided in subdivision (4) (b)
5 of this section, no operator of a school bus shall use a handheld
6 mobile telephone during school bus operations.

7 (b) Using a handheld mobile telephone is permissible by
8 an operator of a school bus during school bus operations when
9 necessary to communicate with law enforcement officials or other
10 emergency services.

11 ~~(3)~~ (5) Any person who violates this section shall be
12 guilty of a traffic infraction. Any person who is found guilty
13 of a traffic infraction under this section shall be subject to
14 disqualification as provided in section 60-4,168, shall be assessed
15 points on his or her motor vehicle operator's license pursuant to
16 section 60-4,182, and shall be fined:

- 17 (a) Two hundred dollars for the first offense;
18 (b) Three hundred dollars for a second offense; and
19 (c) Five hundred dollars for a third and subsequent
20 offense.

21 ~~(4)~~ (6) For purposes of this section:

22 (a) Commercial motor vehicle has the same meaning as in
23 section 75-362;

24 ~~(a)~~ (b) Driving means operating a commercial motor
25 vehicle, with the motor running, including while temporarily
26 stationary because of traffic, a traffic control device, or other
27 momentary delays. Driving does not include operating a commercial

1 motor vehicle ~~with or without the motor running~~ when the operator
2 moves the vehicle to the side of, or off, a highway and halts in a
3 location where the vehicle can safely remain stationary;

4 ~~(b)~~ (c) Electronic device includes, but is not limited
5 to, a cellular telephone; a personal digital assistant; a pager; a
6 computer; or any other device used to input, write, send, receive,
7 or read text; ~~and~~

8 (d) Mobile telephone means a mobile communication device
9 that falls under or uses any commercial mobile radio service as
10 defined in regulations of the Federal Communications Commission, 47
11 C.F.R. 20.3. Mobile telephone does not include two-way or citizens
12 band radio services;

13 (e) School bus operations means the use of a school bus
14 to transport school children or school personnel;

15 ~~(e)(i)~~ (f)(i) Texting means manually entering
16 alphanumeric text into, or reading text from, an electronic
17 device. ~~Texting~~ This action includes, but is not limited to,
18 short message service, emailing, instant messaging, a command or
19 request to access an Internet web page, pressing more than a
20 single button to initiate or terminate a voice communication using
21 a mobile telephone, or engaging in any other form of electronic
22 text retrieval or ~~electronic text~~ entry for present or future
23 communication.

24 (ii) Texting does not include:

25 (A) Inputting, selecting, or reading information on a
26 global positioning system or navigation system;

27 (B) Pressing a single button to initiate or terminate a

1 voice communication using a mobile telephone; or

2 (C) Using a device capable of performing multiple
3 functions, including, but not limited to, fleet management systems,
4 dispatching devices, smartphones, citizens band radios, and music
5 players, for a purpose other than texting; ~~and-~~

6 (g) Use a handheld mobile telephone means:

7 (i) Using at least one hand to hold a mobile telephone to
8 conduct a voice communication;

9 (ii) Dialing or answering a mobile telephone by pressing
10 more than a single button; or

11 (iii) Reaching for a mobile telephone in a manner that
12 requires a driver to maneuver so that he or she is no longer
13 in a seated driving position and restrained by a seat belt that
14 is installed in accordance with 49 C.F.R. 393.93 and adjusted in
15 accordance with the vehicle manufacturer's instructions.

16 Sec. 54. Section 60-2905, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-2905 (1) Notwithstanding any other provision of state
19 law to the contrary, except as provided in sections 60-2906
20 and 60-2907, the department and any officer, employee, agent,
21 or contractor of the department shall not disclose personal
22 information about any person obtained by the department in
23 connection with a motor vehicle record.

24 (2) Notwithstanding any other provision of state law
25 to the contrary, except as provided in sections 60-483, 60-484,
26 60-4,144, and 60-2909.01, the department and any officer, employee,
27 agent, or contractor of the department shall not disclose sensitive

1 personal information about any person obtained by the department in
2 connection with a motor vehicle record without the express written
3 consent of the person to whom such information pertains.

4 Sec. 55. Section 60-2907, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-2907 The department and any officer, employee, agent,
7 or contractor of the department having custody of a motor vehicle
8 record shall, upon the verification of identity and purpose of a
9 requester, disclose and make available the requested motor vehicle
10 record, including the personal information in the record, for the
11 following purposes:

12 (1) For use by any federal, state, or local governmental
13 agency, including any court or law enforcement agency, in carrying
14 out the agency's functions or by a private person or entity acting
15 on behalf of a governmental agency in carrying out the agency's
16 functions;

17 (2) For use in connection with matters of motor vehicle
18 or driver safety and theft; motor vehicle emissions; motor vehicle
19 product alterations, recalls, or advisories; performance monitoring
20 of motor vehicles, motor vehicle parts, and dealers; motor vehicle
21 market research activities, including survey research; and removal
22 of nonowner records from the original owner records of motor
23 vehicle manufacturers;

24 (3) For use in the normal course of business by a
25 legitimate business or its agents, employees, or contractors but
26 only:

27 (a) To verify the accuracy of personal information

1 submitted by the individual to the business or its agents,
2 employees, or contractors; and

3 (b) If such information as so submitted is not correct or
4 is no longer correct, to obtain the correct information, but only
5 for the purposes of preventing fraud by, pursuing legal remedies
6 against, or recovering on a debt or security interest against, the
7 individual;

8 (4) For use in connection with any civil, criminal,
9 administrative, or arbitral proceeding in any federal, state, or
10 local court or governmental agency or before any self-regulatory
11 body, including service of process, investigation in anticipation
12 of litigation, and execution or enforcement of judgments and
13 orders, or pursuant to an order of a federal, state, or local
14 court, an administrative agency, or a self-regulatory body;

15 (5) For use in research activities, and for use in
16 producing statistical reports, so long as the personal information
17 is not published, redisclosed, or used to contact individuals;

18 (6) For use by any insurer or insurance support
19 organization, or by a self-insured entity, or its agents,
20 employees, or contractors, in connection with claims investigation
21 activities, anti-fraud activities, rating, or underwriting;

22 (7) For use in providing notice to the owners of
23 abandoned, towed, or impounded vehicles;

24 (8) For use only for a purpose permitted under this
25 section either by a private detective, plain clothes investigator,
26 or private investigative agency licensed under sections 71-3201 to
27 71-3213;

1 (9) For use by an employer or the employer's agent or
2 insurer to obtain or verify information relating to a holder of
3 a commercial driver's license or CLP-commercial learner's permit
4 that is required under the Commercial Motor Vehicle Safety Act of
5 1986, 49 U.S.C. 31301 et seq., or pursuant to sections 60-4,132 and
6 60-4,141;

7 (10) For use in connection with the operation of private
8 toll transportation facilities;

9 (11) For bulk distribution for surveys of, marketing to,
10 or solicitations of persons who have expressly consented to such
11 disclosure if the requester has obtained the notarized written
12 consent of the individual who is the subject of the personal
13 information being requested and has provided proof of receipt of
14 such written consent to the department or an officer, employee,
15 agent, or contractor of the department on a form prescribed by the
16 department;

17 (12) For any use if the requester has obtained the
18 notarized written consent of the individual who is the subject of
19 the personal information being requested and has provided proof of
20 receipt of such written consent to the department or an officer,
21 employee, agent, or contractor of the department;

22 (13) For use, including redisclosure through news
23 publication, of a member of a medium of communication as defined
24 in section 20-145 who requests such information in connection with
25 preparing, researching, gathering, or confirming news information
26 involving motor vehicle or driver safety or motor vehicle theft;

27 (14) For use by the federally designated organ

1 procurement organization for Nebraska to establish and maintain the
2 Donor Registry of Nebraska as provided in section 71-4822; and

3 (15) For any other use specifically authorized by law
4 that is related to the operation of a motor vehicle or public
5 safety.

6 Sec. 56. Section 60-2909.01, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 60-2909.01 The department and any officer, employee,
9 agent, or contractor of the department having custody of a motor
10 vehicle record shall, upon the verification of identity and purpose
11 of a requester, disclose and make available the requested motor
12 vehicle record, including the sensitive personal information in the
13 record, other than the social security number, for the following
14 purposes:

15 (1) For use by any federal, state, or local governmental
16 agency, including any court or law enforcement agency, in carrying
17 out the agency's functions or by a private person or entity acting
18 on behalf of a governmental agency in carrying out the agency's
19 functions;

20 (2) For use in connection with any civil, criminal,
21 administrative, or arbitral proceeding in any federal, state, or
22 local court or governmental agency or before any self-regulatory
23 body, including service of process, investigation in anticipation
24 of litigation, and execution or enforcement of judgments and
25 orders, or pursuant to an order of a federal, state, or local
26 court, an administrative agency, or a self-regulatory body;

27 (3) For use by any insurer or insurance support

1 organization, or by a self-insured entity, or its agents,
2 employees, or contractors, in connection with claims investigation
3 activities, anti-fraud activities, rating, or underwriting;

4 (4) For use by an employer or the employer's agent or
5 insurer to obtain or verify information relating to a holder of
6 a commercial driver's license or CLP-commercial learner's permit
7 that is required under the Commercial Motor Vehicle Safety Act of
8 1986, 49 U.S.C. 31301 et seq., or pursuant to sections 60-4,132 and
9 60-4,141; and

10 (5) For use by employers of a holder of a commercial
11 driver's license holders or CLP-commercial learner's permit and by
12 the Commercial Driver License Information System as provided in
13 section 60-4,144.02 and 49 C.F.R. 383.73.

14 Sec. 57. Section 75-362, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 75-362 For purposes of sections 75-362 to 75-369.07,
17 unless the context otherwise requires:

18 (1) Accident means:

19 (a) Except as provided in subdivision (b) of this
20 subdivision, an occurrence involving a commercial motor vehicle
21 operating on a highway in interstate or intrastate commerce which
22 results in:

23 (i) A fatality;

24 (ii) Bodily injury to a person who, as a result of the
25 injury, immediately receives medical treatment away from the scene
26 of the accident; or

27 (iii) One or more motor vehicles incurring disabling

1 damage as a result of the accident, requiring the motor vehicles to
2 be transported away from the scene by a tow truck or other motor
3 vehicle.

4 (b) The term accident does not include:

5 (i) An occurrence involving only boarding and alighting
6 from a stationary motor vehicle; or

7 (ii) An occurrence involving only the loading or
8 unloading of cargo;

9 (2) Bulk packaging means a packaging, other than a vessel
10 or a barge, including a transport vehicle or freight container, in
11 which hazardous materials are loaded with no intermediate form of
12 containment and which has:

13 (a) A maximum capacity greater than one hundred nineteen
14 gallons as a receptacle for a liquid;

15 (b) A maximum net mass greater than eight hundred
16 eighty-two pounds and a maximum capacity greater than one hundred
17 nineteen gallons as a receptacle for a solid; or

18 (c) A water capacity greater than one thousand pounds as
19 a receptacle for a gas as defined in 49 C.F.R. 173.115;

20 (3) Cargo tank means a bulk packaging that:

21 (a) Is a tank intended primarily for the carriage
22 of liquids or gases and includes appurtenances, reinforcements,
23 fittings, and closures;

24 (b) Is permanently attached to or forms a part of a
25 motor vehicle or is not permanently attached to a motor vehicle
26 but which, by reason of its size, construction, or attachment to a
27 motor vehicle, is loaded or unloaded without being removed from the

1 motor vehicle; and

2 (c) Is not fabricated under a specification for
3 cylinders, intermediate bulk containers, multi-unit tank-car tanks,
4 portable tanks, or tank cars;

5 (4) Cargo tank motor vehicle means a motor vehicle with
6 one or more cargo tanks permanently attached to or forming an
7 integral part of the motor vehicle;

8 (5) Commercial enterprise means any business activity
9 relating to or based upon the production, distribution, or
10 consumption of goods or services;

11 (6) Commercial motor vehicle means any self-propelled or
12 towed motor vehicle used on a highway in interstate commerce or
13 intrastate commerce to transport passengers or property when the
14 vehicle:

15 (a) Has a gross vehicle weight rating or gross
16 combination weight rating or gross vehicle weight or gross
17 combination weight of ten thousand one pounds or more, whichever
18 is greater;

19 (b) Is designed or used to transport more than eight
20 passengers, including the driver, for compensation;

21 (c) Is designed or used to transport more than fifteen
22 passengers, including the driver, and is not used to transport
23 passengers for compensation; or

24 (d) Is used in transporting material found to be
25 hazardous and such material is transported in a quantity requiring
26 placarding pursuant to section 75-364;

27 (7) Compliance review means an onsite examination of

1 motor carrier operations, such as drivers' hours of service,
2 maintenance and inspection, driver qualification, commercial
3 driver's license requirements, financial responsibility, accidents,
4 hazardous materials, and other safety and transportation records
5 to determine whether a motor carrier meets the safety fitness
6 standard. A compliance review may be conducted in response to
7 a request to change a safety rating, to investigate potential
8 violations of safety regulations by motor carriers, or to
9 investigate complaints or other evidence of safety violations. The
10 compliance review may result in the initiation of an enforcement
11 action with penalties;

12 (8) (a) Covered farm vehicle means a motor vehicle,
13 including an articulated motor vehicle:

14 (i) That:

15 (A) Is traveling in the state in which the vehicle is
16 registered or another state;

17 (B) Is operated by:

18 (I) A farm owner or operator;

19 (II) A ranch owner or operator; or

20 (III) An employee or family member of an individual
21 specified in subdivision (8) (a) (i) (B) (I) or (8) (a) (i) (B) (II) of
22 this section;

23 (C) Is transporting to or from a farm or ranch:

24 (I) Agricultural commodities;

25 (II) Livestock; or

26 (III) Machinery or supplies;

27 (D) Except as provided in subdivision (8) (b) of this

1 section, is not used in the operations of a for-hire motor carrier;
2 and

3 (E) Is equipped with a special license plate or other
4 designation by the state in which the vehicle is registered to
5 allow for identification of the vehicle as a farm vehicle by law
6 enforcement personnel; and

7 (ii) That has a gross vehicle weight rating or gross
8 vehicle weight, whichever is greater, that is:

9 (A) Less than twenty-six thousand one pounds; or

10 (B) Twenty-six thousand one pounds or more and is
11 traveling within the state or within one hundred fifty air miles
12 of the farm or ranch with respect to which the vehicle is being
13 operated.

14 (b) Covered farm vehicle includes a motor vehicle that
15 meets the requirements of subdivision (8)(a) of this section,
16 except for subdivision (8)(a)(i)(D) of this section, and:

17 (i) Is operated pursuant to a crop share farm lease
18 agreement;

19 (ii) Is owned by a tenant with respect to that agreement;

20 and

21 (iii) Is transporting the landlord's portion of the crops
22 under that agreement.

23 (c) Covered farm vehicle does not include:

24 (i) A combination of truck-tractor and semitrailer which
25 is operated by a person under eighteen years of age; or

26 (ii) A combination of truck-tractor and semitrailer which
27 is used in the transportation of materials found to be hazardous

1 for the purposes of the federal Hazardous Materials Transportation
2 Act and which require the combination to be placarded under 49
3 C.F.R. part 172, subpart F;

4 ~~(8)~~ (9) Disabling damage means damage which precludes
5 departure of a motor vehicle from the scene of the accident in its
6 usual manner in daylight after simple repairs.

7 (a) Inclusions: Damage to motor vehicles that could have
8 been driven but would have been further damaged if so driven.

9 (b) Exclusions:

10 (i) Damage which can be remedied temporarily at the scene
11 of the accident without special tools or parts;

12 (ii) Tire disablement without other damage even if no
13 spare tire is available;

14 (iii) Headlight or taillight damage; and

15 (iv) Damage to turnsignals, horn, or windshield wipers
16 which makes them inoperative;

17 ~~(9)~~ (10) Driver means any person who operates any
18 commercial motor vehicle;

19 ~~(10)~~ (11) Elevated temperature material means a material
20 which, when offered for transportation or transported in a bulk
21 packaging:

22 (a) Is in a liquid phase and at a temperature at or above
23 two hundred twelve degrees Fahrenheit;

24 (b) Is in a liquid phase with a flash point at or above
25 one hundred degrees Fahrenheit that is intentionally heated and
26 offered for transportation or transported at or above its flash
27 point; or

1 (c) Is in a solid phase and at a temperature at or above
2 four hundred sixty-four degrees Fahrenheit;

3 ~~(11)~~ (12) Employee means any individual, other than
4 an employer, who is employed by an employer and who in the
5 course of his or her employment directly affects commercial motor
6 vehicle safety. Such term includes a driver of a commercial motor
7 vehicle, including an independent contractor while in the course
8 of operating a commercial motor vehicle, a mechanic, and a freight
9 handler. Such term does not include an employee of the United
10 States, any state, any political subdivision of a state, or any
11 agency established under a compact between states and approved by
12 the Congress of the United States who is acting within the course
13 of such employment;

14 ~~(12)~~ (13) Employer means any person engaged in a business
15 affecting commerce who owns or leases a commercial motor vehicle
16 in connection with that business or assigns employees to operate
17 it. Such term does not include the United States, any state, any
18 political subdivision of a state, or an agency established under
19 a compact between states approved by the Congress of the United
20 States;

21 ~~(13)~~ (14) Exempt motor carrier means a person engaged
22 in transportation exempt from economic regulation under 49 U.S.C.
23 13506. An exempt motor carrier is subject to the safety regulations
24 adopted in sections 75-362 to 75-369.07;

25 ~~(14)~~ (15) Farm vehicle driver means a person who drives
26 only a commercial motor vehicle that is controlled and operated by
27 a farmer as a private motor carrier of property;

1 ~~(15)~~ (16) Farmer means any person who operates a farm
2 or is directly involved in the cultivation of land, crops, or
3 livestock which:

4 (a) Are owned by that person; or

5 (b) Are under the direct control of that person;

6 ~~(16)~~ (17) Fatality means any injury which results in the
7 death of a person at the time of the motor vehicle accident or
8 within thirty days after the accident;

9 ~~(17)~~ (18) Fertilizer and agricultural chemical
10 application and distribution equipment means:

11 (a) Self-propelled or towed equipment, designed and used
12 exclusively to apply commercial fertilizer, as that term is
13 defined in section 81-2,162.02, chemicals, or related products
14 to agricultural soil and crops; or

15 (b) Towed equipment designed and used exclusively to
16 carry commercial fertilizer, as that term is defined in section
17 81-2,162.02, chemicals, or related products for use on agricultural
18 soil and crops, which are equipped with implement or floatation
19 tires;

20 ~~(18)~~ (19) For-hire motor carrier means a person engaged
21 in the transportation of goods or passengers for compensation;

22 ~~(19)~~ (20) Gross combination weight means the sum of the
23 empty weight of a motor vehicle plus the total weight of any load
24 carried thereon and the empty weight of the towed unit or units
25 plus the total weight of any load carried on such towed unit or
26 units;

27 ~~(20)~~ (21) Gross combination weight rating means the

1 value specified by the manufacturer as the loaded weight of a
2 combination (articulated) motor vehicle. In the absence of a value
3 specified by the manufacturer, gross combination weight rating will
4 be determined by adding either the gross vehicle weight rating or
5 gross vehicle weight of the motor vehicle plus the gross vehicle
6 weight rating or gross vehicle weight of the towed unit or units;

7 ~~(21)~~ (22) Gross vehicle weight means the sum of the empty
8 weight of a motor vehicle plus the total weight of any load carried
9 thereon;

10 ~~(22)~~ (23) Gross vehicle weight rating means the value
11 specified by the manufacturer as the loaded weight of a single
12 motor vehicle. In the absence of such value specified by the
13 manufacturer or the absence of any marking of such value on the
14 vehicle, the gross vehicle weight rating shall be determined from
15 the sum of the axle weight ratings of the vehicle or the sum of
16 the tire weight ratings as marked on the sidewall of the tires,
17 whichever is greater. In the absence of any tire sidewall marking,
18 the tire weight ratings shall be determined for the specified tires
19 from any of the publications of any of the organizations listed in
20 49 C.F.R. 571.119;

21 ~~(23)~~ (24) Hazardous material means a substance or
22 material that the Secretary of the United States Department of
23 Transportation has determined is capable of posing an unreasonable
24 risk to health, safety, and property when transported in commerce
25 and has designated as hazardous under 49 U.S.C. 5103. The term
26 includes hazardous substances, hazardous wastes, marine pollutants,
27 elevated temperature materials, materials designated as hazardous

1 in the Hazardous Materials Table, 49 C.F.R. 172.101, and materials
2 that meet the defining criteria for hazard classes and divisions
3 in 49 C.F.R. part 173;

4 ~~(24)~~ (25) Hazardous substance means a material, including
5 its mixtures and solutions, that is listed in 49 C.F.R. 172.101,
6 Appendix A, List Of Hazardous Substances and Reportable Quantities,
7 and is in a quantity, in one package, which equals or exceeds the
8 reportable quantity listed in 49 C.F.R. 172.101, Appendix A. This
9 definition does not apply to petroleum products that are lubricants
10 or fuels or to mixtures or solutions of hazardous substances if
11 in a concentration less than that shown in the table in 49 C.F.R.
12 171.8 under the definition of hazardous substance based on the
13 reportable quantity specified for the materials listed in 49 C.F.R.
14 172.101, Appendix A;

15 ~~(25)~~ (26) Hazardous waste means any material that is
16 subject to the hazardous waste manifest requirements of the United
17 States Environmental Protection Agency specified in 40 C.F.R. 262;

18 ~~(26)~~ (27) Highway means the entire width between the
19 boundary limits of any street, road, avenue, boulevard, or way
20 which is publicly maintained when any part thereof is open to the
21 use of the public for purposes of vehicular travel;

22 ~~(27)~~ (28) Interstate commerce means trade, traffic,
23 or transportation provided in the furtherance of a commercial
24 enterprise in the United States:

25 (a) Between a place in a state and a place outside of
26 such state, including a place outside of the United States;

27 (b) Between two places in a state through another state

1 or a place outside of the United States; or

2 (c) Between two places in a state as part of trade,
3 traffic, or transportation originating or terminating outside the
4 state or the United States;

5 ~~(28)~~ (29) Intrastate commerce means any trade, traffic,
6 or transportation provided in the furtherance of a commercial
7 enterprise between any place in the State of Nebraska and any other
8 place in Nebraska and not through any other state;

9 ~~(29)~~ (30) Marine pollutant means a material which is
10 listed in the Hazardous Materials Table, 49 C.F.R. 172.101,
11 Appendix B, as a marine pollutant (see 49 C.F.R. 171.4 for
12 applicability to marine pollutants) and, when in a solution or
13 mixture of one or more marine pollutants, is packaged in a
14 concentration which equals or exceeds:

15 (a) Ten percent by weight of the solution or mixture for
16 materials listed in 49 C.F.R. 172.101, Appendix B; or

17 (b) One percent by weight of the solution or mixture for
18 materials that are identified as severe marine pollutants in the
19 Hazardous Materials Table, 49 C.F.R. 172.101, Appendix B;

20 ~~(30)~~ (31) Motor carrier means a for-hire motor
21 carrier or a private motor carrier. The term includes a
22 motor carrier's agents, officers, and representatives as well
23 as employees responsible for hiring, supervising, training,
24 assigning, or dispatching of drivers and employees concerned with
25 the installation, inspection, and maintenance of motor vehicle
26 equipment or accessories. This definition includes the terms
27 employer and exempt motor carrier;

1 ~~(31)~~ (32) Motor vehicle means any vehicle, truck,
2 truck-tractor, trailer, or semitrailer propelled or drawn by
3 mechanical power except (a) farm tractors, (b) vehicles which
4 run only on rails or tracks, and (c) road and general-purpose
5 construction and maintenance machinery which by design and
6 function is obviously not intended for use on a public highway,
7 including, but not limited to, motor scrapers, earthmoving
8 equipment, backhoes, trenchers, motor graders, compactors,
9 tractors, bulldozers, bucket loaders, ditchdigging apparatus,
10 asphalt spreaders, leveling graders, power shovels, and crawler
11 tractors;

12 ~~(32)~~ (33) Nonbulk packaging means a packaging which has:

13 (a) A maximum capacity of one hundred nineteen gallons or
14 less as a receptacle for a liquid;

15 (b) A maximum net mass of eight hundred eighty-two pounds
16 or less and a maximum capacity of one hundred nineteen gallons or
17 less as a receptacle for a solid; or

18 (c) A water capacity of one thousand pounds or less as a
19 receptacle for a gas as defined in 49 C.F.R. 173.115;

20 ~~(33)~~ (34) Out-of-service order means a declaration by
21 an authorized enforcement officer of a federal, state, Canadian,
22 Mexican, or local jurisdiction that a driver, a commercial motor
23 vehicle, or a motor carrier operation is out of service pursuant
24 to 49 C.F.R. 386.72, 392.5, 392.9a, 395.13, or 396.9, or compatible
25 laws or the North American Uniform Out-of-Service Criteria;

26 ~~(34)~~ (35) Packaging means a receptacle and any other
27 components or materials necessary for the receptacle to perform

1 its containment function in conformance with the minimum packing
2 requirements of Title 49 of the Code of Federal Regulations. For
3 radioactive materials packaging, see 49 C.F.R. 173.403;

4 ~~(35)~~ (36) Person means any individual, partnership,
5 association, corporation, business trust, or any other organized
6 group of individuals;

7 (37) Planting and harvesting season means the period
8 beginning on January 1 up to and including December 31 of each
9 calendar year;

10 ~~(36)~~ (38) Principal place of business means the
11 single location designated by the motor carrier, normally its
12 headquarters, for purposes of identification. The motor carrier
13 must make records required by the regulations referred to in
14 sections ~~75-363~~ 75-362 to 75-369.07 and ~~this section~~ available for
15 inspection at this location within forty-eight hours, Saturdays,
16 Sundays, and state or federal holidays excluded, after a request
17 has been made by an officer of the Nebraska State Patrol;

18 ~~(37)~~ (39) Private motor carrier means a person who
19 provides transportation of property or passengers by commercial
20 motor vehicle and is not a for-hire motor carrier;

21 ~~(38)~~ (40) Safety audit means an examination of a
22 motor carrier's operations to provide educational and technical
23 assistance on drivers' hours of service, maintenance and
24 inspection, driver qualification, commercial driver's license
25 requirements, financial responsibility, accidents, hazardous
26 materials, and other safety and transportation records to determine
27 whether a motor carrier meets the safety fitness standard. The

1 purpose of a safety audit is to gather critical safety data needed
2 to make an assessment of the carrier's safety performance and basic
3 safety management controls. Safety audits do not result in safety
4 ratings; and

5 ~~(39)~~ (41) Tank means a container, consisting of a shell
6 and heads, that forms a pressure-tight vessel having openings
7 designed to accept pressure-tight fittings or closures, but
8 excludes any appurtenances, reinforcements, fittings, or closures.

9 Sec. 58. Section 75-363, Revised Statutes Supplement,
10 2013, is amended to read:

11 75-363 (1) The parts, subparts, and sections of Title
12 49 of the Code of Federal Regulations listed below, as modified
13 in this section, or any other parts, subparts, and sections
14 referred to by such parts, subparts, and sections, in existence and
15 effective as of January 1, ~~2013~~, 2014, are adopted as Nebraska law.

16 (2) Except as otherwise provided in this section, the
17 regulations shall be applicable to:

18 (a) All motor carriers, drivers, and vehicles to which
19 the federal regulations apply; and

20 (b) All motor carriers transporting persons or property
21 in intrastate commerce to include:

22 (i) All vehicles of such motor carriers with a gross
23 vehicle weight rating, gross combination weight rating, gross
24 vehicle weight, or gross combination weight over ten thousand
25 pounds;

26 (ii) All vehicles of such motor carriers designed or
27 used to transport more than eight passengers, including the driver,

1 for compensation, or designed or used to transport more than
2 fifteen passengers, including the driver, and not used to transport
3 passengers for compensation;

4 (iii) All vehicles of such motor carriers transporting
5 hazardous materials required to be placarded pursuant to section
6 75-364; and

7 (iv) All drivers of such motor carriers if the drivers
8 are operating a commercial motor vehicle as defined in section
9 60-465 which requires a commercial driver's license.

10 (3) The Legislature hereby adopts, as modified in this
11 section, the following parts of Title 49 of the Code of Federal
12 Regulations:

13 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND
14 TESTING;

15 (b) Part 385 - SAFETY FITNESS PROCEDURES;

16 (c) Part 386 - RULES OF PRACTICE FOR MOTOR CARRIER,
17 INTERMODAL EQUIPMENT PROVIDER, BROKER, FREIGHT FORWARDER, AND
18 HAZARDOUS MATERIALS PROCEEDINGS;

19 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY
20 FOR MOTOR CARRIERS;

21 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS;
22 GENERAL;

23 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER
24 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS;

25 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;

26 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE
27 OPERATION;

1 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;

2 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;

3 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS;
4 DRIVING AND PARKING RULES; and

5 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

6 (4) The provisions of subpart E - Physical Qualifications
7 And Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS
8 AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not
9 apply to any driver subject to this section who: (a) Operates a
10 commercial motor vehicle exclusively in intrastate commerce; and
11 (b) holds, or has held, a commercial driver's license issued by
12 this state prior to July 30, 1996.

13 (5) The regulations adopted in subsection (3) of this
14 section shall not apply to farm trucks registered pursuant to
15 section 60-3,146 with a gross weight of sixteen tons or less. The
16 following parts and sections of 49 C.F.R. chapter III shall not
17 apply to drivers of farm trucks registered pursuant to section
18 60-3,146 and operated solely in intrastate commerce:

19 (a) All of part 391;

20 (b) Section 395.8 of part 395; and

21 (c) Section 396.11 of part 396.

22 (6) The following parts and subparts of 49 C.F.R. chapter
23 III shall not apply to the operation of covered farm vehicles:

24 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND
25 TESTING;

26 (b) Part 391, subpart E - Physical Qualifications and
27 Examinations;

1 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and

2 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

3 ~~(6)~~ (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR
4 SAFE OPERATION and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE
5 shall not apply to fertilizer and agricultural chemical application
6 and distribution equipment transported in units with a capacity of
7 three thousand five hundred gallons or less.

8 ~~(7)~~ (8) For purposes of this section, intrastate motor
9 carriers shall not include any motor carrier or driver excepted
10 from 49 C.F.R. chapter III by section 390.3(f) of part 390.

11 ~~(8)(a)~~ (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS
12 shall apply to motor carriers and drivers who engage in intrastate
13 commerce as defined in section 75-362, except that no motor carrier
14 who engages in intrastate commerce shall permit or require any
15 driver used by it to drive nor shall any driver drive:

16 (i) More than twelve hours following eight consecutive
17 hours off duty; or

18 (ii) For any period after having been on duty sixteen
19 hours following eight consecutive hours off duty.

20 (b) No motor carrier who engages in intrastate commerce
21 shall permit or require a driver of a commercial motor vehicle,
22 regardless of the number of motor carriers using the driver's
23 services, to drive, nor shall any driver of a commercial motor
24 vehicle drive, for any period after:

25 (i) Having been on duty seventy hours in any seven
26 consecutive days if the employing motor carrier does not operate
27 every day of the week; or

1 (ii) Having been on duty eighty hours in any period of
2 eight consecutive days if the employing motor carrier operates
3 motor vehicles every day of the week.

4 ~~(9)~~ (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as
5 adopted in subsections (3) and ~~(8)~~ (9) of this section, shall
6 not apply to drivers transporting agricultural commodities or farm
7 supplies for agricultural purposes ~~when the transportation of such~~
8 ~~commodities or supplies occurs within a one-hundred-air-mile radius~~
9 ~~of the source of the commodities or the distribution point for~~
10 ~~the supplies when such transportation occurs during the period~~
11 ~~beginning on February 15 up to and including December 15 of each~~
12 ~~calendar year.~~ during planting and harvesting season when:

13 (a) The transportation of such agricultural commodities
14 is from the source of the commodities to a location within a one
15 hundred fifty air-mile radius of the source of the commodities;

16 (b) The transportation of such farm supplies is from a
17 wholesale or retail distribution point of the farm supplies to a
18 farm or other location where the farm supplies are intended to be
19 used which is within a one hundred fifty air-mile radius of the
20 wholesale or retail distribution point; or

21 (c) The transportation of such farm supplies is from
22 a wholesale distribution point of the farm supplies to a retail
23 distribution point of the farm supplies which is within a one
24 hundred fifty air-mile radius of the wholesale distribution point.

25 ~~(10)~~ (11) 49 C.F.R. 390.21 - MARKING OF SELF-PROPELLED
26 CMVS AND INTERMODAL EQUIPMENT shall not apply to farm trucks and
27 farm truck-tractors registered pursuant to section 60-3,146 and

1 operated solely in intrastate commerce.

2 ~~(11)~~ (12) 49 C.F.R. 392.9a - Operating Authority shall
3 not apply to Nebraska motor carriers operating commercial motor
4 vehicles solely in intrastate commerce.

5 ~~(12)~~ (13) No motor carrier shall permit or require a
6 driver of a commercial motor vehicle to violate, and no driver of a
7 commercial motor vehicle shall violate, any out-of-service order.

8 Sec. 59. Section 75-364, Revised Statutes Supplement,
9 2013, is amended to read:

10 75-364 The parts, subparts, and sections of Title 49 of
11 the Code of Federal Regulations listed below, or any other parts,
12 subparts, and sections referred to by such parts, subparts, and
13 sections, in existence and effective as of January 1, ~~2013~~, 2014,
14 are adopted as part of Nebraska law and shall be applicable to
15 all motor carriers whether engaged in interstate or intrastate
16 commerce, drivers of such motor carriers, and vehicles of such
17 motor carriers:

18 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES,
19 subpart F-Registration of Cargo Tank and Cargo Tank Motor Vehicle
20 Manufacturers, Assemblers, Repairers, Inspectors, Testers, and
21 Design Certifying Engineers;

22 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES,
23 subpart G-Registration of Persons Who Offer or Transport Hazardous
24 Materials;

25 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND
26 DEFINITIONS;

27 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL

1 PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE
2 INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS;

3 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR
4 SHIPMENTS AND PACKAGINGS;

5 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

6 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

7 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE
8 OF PACKAGINGS.

9 Sec. 60. Section 75-366, Revised Statutes Supplement,
10 2013, is amended to read:

11 75-366 For the purpose of enforcing Chapter 75, article
12 3, any officer of the Nebraska State Patrol may, upon demand,
13 inspect the accounts, records, and equipment of any motor carrier
14 or shipper. Any officer of the Nebraska State Patrol shall
15 have the authority to enforce the federal motor carrier safety
16 regulations, as such regulations existed on January 1, ~~2013~~, 2014,
17 and federal hazardous materials regulations, as such regulations
18 existed on January 1, ~~2013~~, 2014, and is authorized to enter upon,
19 inspect, and examine any and all lands, buildings, and equipment
20 of any motor carrier, any shipper, and any other person subject
21 to the federal Interstate Commerce Act, the federal Department
22 of Transportation Act, and other related federal laws and to
23 inspect and copy any and all accounts, books, records, memoranda,
24 correspondence, and other documents of a motor carrier, a shipper,
25 and any other person subject to Chapter 75, article 3, for the
26 purposes of enforcing Chapter 75, article 3. To promote uniformity
27 of enforcement, the carrier enforcement division of the Nebraska

1 State Patrol shall cooperate and consult with the Public Service
2 Commission and the Division of Motor Carrier Services.

3 Sec. 61. Section 75-369.03, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 75-369.03 (1) The Superintendent of Law Enforcement and
6 Public Safety may issue an order imposing a civil penalty against
7 a motor carrier transporting persons or property in interstate
8 commerce for a violation of sections 75-392 to 75-399 or against
9 a motor carrier transporting persons or property in intrastate
10 commerce for a violation or violations of section 75-363 or 75-364
11 based upon an inspection conducted pursuant to section 75-366 in
12 an amount which shall not exceed five hundred dollars for any
13 single violation in any proceeding or series of related proceedings
14 against any person or motor carrier as defined in 49 C.F.R. part
15 390.5 as adopted in section 75-363.

16 (2) The superintendent shall issue an order imposing a
17 civil penalty in an amount not to exceed ten thousand dollars
18 against a motor carrier transporting persons or property in
19 interstate commerce for a violation of ~~subsection (3)~~ subdivision
20 (2)(e) of section 60-4,162 based upon a conviction of such a
21 violation.

22 (3) The superintendent shall issue an order imposing
23 a civil penalty against a driver operating a commercial motor
24 vehicle, as defined in section 60-465, that requires a commercial
25 driver's license or CLP-commercial learner's permit, in violation
26 of an out-of-service order. The civil penalty shall be in an amount
27 not less than two thousand five hundred dollars but not more than

1 five thousand dollars for a first violation and not less than five
2 thousand one dollars but not more than seven thousand five hundred
3 dollars for a second or subsequent violation.

4 (4) The superintendent shall issue an order imposing
5 a civil penalty against a motor carrier who knowingly allows,
6 requires, permits, or authorizes the operation of a commercial
7 motor vehicle, as defined in section 60-465, that requires a
8 commercial driver's license or CLP-commercial learner's permit, in
9 violation of an out-of-service order. The civil penalty shall be
10 not less than two thousand seven hundred fifty dollars but not more
11 than twenty-five thousand dollars per violation.

12 (5) Upon the discovery of any violation by a motor
13 carrier transporting persons or property in interstate commerce of
14 section 75-307, 75-363, or 75-364 or sections 75-392 to 75-399
15 based upon an inspection conducted pursuant to section 75-366,
16 the superintendent shall immediately refer such violation to the
17 appropriate federal agency for disposition, and upon the discovery
18 of any violation by a motor carrier transporting persons or
19 property in intrastate commerce of section 75-307 based upon such
20 inspection, the superintendent shall refer such violation to the
21 Public Service Commission for disposition.

22 Sec. 62. Sections 1, 5, 8, 9, 10, 11, 13, 15, 16, 17, 18,
23 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36,
24 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50, 54, 55, 56, 61,
25 65, and 66 of this act become operative on July 8, 2015. Sections
26 3, 12, 37, and 64 of this act become operative three calendar
27 months after the adjournment of this legislative session. The other

1 sections of this act become operative on their effective date.

2 Sec. 63. Original sections 60-463 and 60-465, Reissue
3 Revised Statutes of Nebraska, sections 60-487, 60-4,144.01,
4 60-4,168, 60-4,182, 60-6,179.01, 60-6,179.02, and 75-362, Revised
5 Statutes Cumulative Supplement, 2012, and sections 60-462, 75-363,
6 75-364, and 75-366, Revised Statutes Supplement, 2013, are
7 repealed.

8 Sec. 64. Original section 60-484.05, Revised Statutes
9 Cumulative Supplement, 2012, and section 60-462.01, Revised
10 Statutes Supplement, 2013, are repealed.

11 Sec. 65. Original sections 60-464, 60-480, 60-4,118.05,
12 60-4,141, 60-4,147.01, 60-4,149.01, 60-4,157, 60-4,158, 60-4,159,
13 60-4,160, 60-4,162, 60-4,169, 60-4,172, 60-2905, 60-2907, and
14 75-369.03, Reissue Revised Statutes of Nebraska, sections 29-3608,
15 60-484.03, 60-484.04, 60-484.06, 60-4,112, 60-4,115, 60-4,116,
16 60-4,131, 60-4,137, 60-4,138, 60-4,139, 60-4,142, 60-4,143,
17 60-4,144, 60-4,144.02, 60-4,146, 60-4,149, 60-4,150, 60-4,151,
18 60-4,153, 60-4,154, 60-4,167, 60-4,170, 60-4,171, and 60-2909.01,
19 Revised Statutes Cumulative Supplement, 2012, and section 60-484,
20 Revised Statutes Supplement, 2013, are repealed.

21 Sec. 66. The following sections are outright repealed:
22 Section 60-4,156, Reissue Revised Statutes of Nebraska, and section
23 60-4,145, Revised Statutes Cumulative Supplement, 2012.

24 Sec. 67. Since an emergency exists, this act takes effect
25 when passed and approved according to law.